

CLOSED

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:03-cr-00717-MGC-1**

Case title: USA v. Stewart, et al

Date Filed: 06/04/2003

Date Terminated: 07/16/2004

**Appellant****Media Coalition**

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**Movant****Jonathan Lee Riches**

Assigned to: Judge Miriam Goldman Cedarbaum

Appeals court case number: '04-3953-cr'

**Defendant (1)****Martha Stewart***TERMINATED: 07/19/2004*

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**Pending Counts**

CONSPIRACY TO DEFRAUD THE UNITED STATES  
 (1s)  
 STATEMENTS OR ENTRIES GENERALLY  
 (3s-4s)  
 OBSTRUCTION OF PROCEEDING BEFORE  
 DEPARTMENTS/AGENCIES  
 (8s)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Disposition**

Originally Indictment are dismissed on the motion of the US

**Terminated Counts**

18:371.F CONSPIRACY TO DEFRAUD THE UNITED STATES  
 (1)  
 18:1001.F STATEMENTS OR ENTRIES GENERALLY (FALSE STATEMENTS)  
 (3-4)  
 18:1505.F OBSTRUCTION OF PROCEEDING BEFORE DEPARTMENTS/AGENCIES  
 (8)  
 15:78J.F MANIPULATIVE AND DECEPTIVE DEVICES (SECURITIES FRAUD)  
 (9)  
 MANIPULATIVE AND DECEPTIVE DEVICES  
 (9s)

Originally Indictment are dismissed on the motion of the US

Originally Indictment are dismissed on the motion of the US

Originally Indictment are dismissed on the motion of the US

**Highest Offense Level (Terminated)**

Felony

**Disposition**

**Complaints**

None

**Plaintiff**

USA

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Date Filed	#	Docket Text
06/04/2003	1	INDICTMENT as to Martha Stewart (1) count(s) 1, 3-4, 8, 9, Peter Bacanovic (2) count(s) 1, 2, 5, 6, 7 (jm) (Entered: 06/05/2003)
06/04/2003	2	NOTICE of Appearance for Martha Stewart by Attorney Robert G. Morvillo (ja) (Entered: 06/13/2003)

06/04/2003	3	NOTICE of Appearance for Martha Stewart by Attorney John J. Tigie Jr. (ja) (Entered: 06/13/2003)
06/04/2003		First Appearance as to Martha Stewart, Peter Bacanovic held Arraignment set for 6/4/03 for Martha Stewart, for Peter Bacanovic; before Judge Miriam Goldman Cedarbaum . (ja) (Entered: 06/13/2003)
06/04/2003		Arraignment as to Martha Stewart, Peter Bacanovic held Martha Stewart (1) count(s) 1, 3-4, 8, 9, Peter Bacanovic (2) count(s) 1, 2, 5, 6, 7 before Judge Miriam Goldman Cedarbaum. Dft Martha Stewart pres w/the attys Robert Morvillo, John J. Tigie and Rebecca A. Moncer. Dft Peter Bacanovic pres w/atty Richard Strassberg. AUSAs Michael Schachter, Karen Patton Seymour, and Richard D. Owens pres. FBI Agent Catherine M. Farmer pres. Court rprr Guido Tascione pres. Dft Stewart pleads NOT GUILTY to all counts. Dft Bacanovic pleads NOT GUILTY on all counts. Status conference set for 6/19/03 at 11:30 a.m. Time between 6/4/03 until 6/19/03 is excluded from the speedy trial clock. Dft Martha Stewart is R.O.R. Dft Stewart must notify the U.S. Atty's Office within 72 hours if travelling outside the United States. Dft Bacanovi is R.O.R. Dft Bacanovic's travel is restricted to the continental United States and he must surrender his passport. (ja) (Entered: 06/13/2003)
06/04/2003		PLEA entered by Martha Stewart, Peter Bacanovic. Court accepts plea. Not Guilty: Martha Stewart (1) count(s) 1, 3-4, 8, 9, Peter Bacanovic (2) count(s) 1, 2, 5, 6, 7 (ja) (Entered: 06/13/2003)
06/04/2003		ORAL ORDER as to Martha Stewart, Peter Bacanovic , set status conference for 11:30 6/19/03 for Martha Stewart, for Peter Bacanovic , and to Continue in Interests of Justice time is excluded from 6/4/03 to 6/19/03 ( Entered by Judge Miriam Goldman Cedarbaum ) (ja) (Entered: 06/13/2003)
06/04/2003	4	NOTICE of Appearance for Martha Stewart by Attorney Rebecca Monck (jw) (Entered: 09/09/2003)
06/09/2003	6	Order of advice of penalties and sanctions as to Martha Stewart (1) (ja) (Entered: 06/13/2003)
06/19/2003		Status conference as to Martha Stewart, Peter Bacanovic held before Judge Miriam Goldman Cedarbaum. Dft Stewart pres w/attys Robert Morvillo, John Tigie, Rebecca Moncer and John Conti. Dft Bacanovic pres w/atty Richard Strassberg. AUSAs Michael Schachter, Richard Owen and Karen Patton Seymour pres. Special Agent Catherine Farmer pres. Court rprr Patricia Nilson pres. Defense motions due by 9/30/03, Gov't Response by 10/30/03, Reply by 11/10/03. Oral argument set for 11/18/03 at 4:30 p.m. Trial set for 1/12/04. With the consent of the dfts, time is excluded from 6/19/03 to 1/12/04 from the speedy trial clock. Dft's cont'd released. (ja) (Entered: 06/20/2003)
06/19/2003		ORAL ORDER as to Martha Stewart, Peter Bacanovic , set scheduling order deadlines: Motion Filing to 9/30/03 for Martha Stewart, for Peter Bacanovic ; Reply to response to motion deadline 11/10/03 for Martha Stewart, for Peter Bacanovic ; Response to motion deadline 10/30/03 for USA ; Jury Trial for 1/12/04 for Martha Stewart, for Peter Bacanovic ; and set oral argument 4:30 11/18/03 for Martha Stewart, for Peter Bacanovic ( Entered by Judge Miriam Goldman Cedarbaum ) (ja) (Entered: 06/20/2003)
07/18/2003	17	TRANSCRIPT of record of proceedings as to Martha Stewart, Peter Bacanovic for dates of 6/19/03, before Judge Miriam Goldman Cedarbaum . (tr) (Entered: 08/14/2003)
07/18/2003	18	TRANSCRIPT of record of proceedings as to Martha Stewart, Peter Bacanovic for dates of 6/4/03, before Judge Miriam Goldman Cedarbaum . (df) (Entered: 08/18/2003)
07/18/2003	19	Corrected TRANSCRIPT of record of proceedings as to Martha Stewart, Peter Bacanovic for dates of 6/4/03, before Judge Miriam Goldman Cedarbaum . (tr) (Entered: 08/19/2003)
07/22/2003	9	LETTER filed by Martha Stewart From Robert G. Morvillo, Dated June 20, 2003, Addressed to: Judge Cedarbaum Re: To bring the Court's attention to probable violations of Rule 6(e) of the Federal Rules of Criminal Procedure in connection with the grand jury investigation. We request that the Court examine the grand jury minutes to determine whether, prior to any deliberations and/or voting, the grand jurors were instructed not to consider information circulating in the media. (jw) (Entered: 07/23/2003)
07/22/2003	10	LETTER filed by USA as to Martha Stewart From Karen Patton Seymour, Richard D. Owens, Michael S. Schachter, Dated June 27, 2003, Addressed to: Judge Cedarbaum Re: This letter is in response to defendant Martha Stewart's June 20, 2003 letter regarding purported violations of Rule 6(e) of the Federal Rules of Criminal Procedure. Further, Stewart has not suffered any prejudice from any of the cited reports. Accordingly, Stewart has not shown cause for any inquiry. (jw) (Entered: 07/23/2003)
07/22/2003	11	LETTER filed by Martha Stewart From Richard M. Strassberg, Dated July 1, 2003, Addressed to: Judge Cedarbaum Re: On behalf of Peter Bacanovic, we respectfully join in Ms. Stewart's June 20, 2003 letter application to the Court regarding probable violations of Rule 6(e) of the Federal Rules of Criminal Procedure in connection with the above captioned matter. Accordingly, we respectfully join in Ms. Stewart's request that, at a minimum, the Court direct the US Atty's Office to conduct an internal investigation into these apparent violations of grand jury secrecy. (jw) (Entered: 07/23/2003)
07/22/2003	12	LETTER filed by USA as to Martha Stewart, Peter Bacanovic From Karen Patton Seymour, Richard D. Owens, Michael S. Schachter, Dated July 14, 2003, Addressed to: Judge Cedarbaum Re: This letter is in response to defendant Peter Bacanovic's July 1, 2003 letter joining in defendant Martha Stewart's earlier letter regarding purported violations of Rule 6(e) of the Federal Rules of Criminal Procedure. Bacanovic requests that Court direct the US Atty's Office to conduct an internal investigation into claimed violations of grand jury secrecy. For the reasons that follow, this Court should deny Bacanovic's request. (jw) (Entered: 07/23/2003)
07/22/2003	13	LETTER filed by Martha Stewart From Robert G. Morvillo, Dated July 16, 2003, Addressed to: Judge Cedarbaum Re: We write to respond to the Government's letter dated June 27, 2003, in which it argues that no "further inquiry" into possible violations of Rule 6(e) of the Federal Rules of Criminal Procedure is "justified". We continue respectfully to request that the Court direct the US Atty's Office for the Southern District of NY to conduct an inquiry to determine the source of the leaks on June 3, 2003 and report back to the Court and counsel for the defense with the results of the inquiry. (jw) (Entered: 07/23/2003)

07/22/2003	14	LETTER filed by Martha Stewart, Peter Bacanovic From Richard M. Strassberg, Dated 7/17/03, Addressed to: Judge Cedarbaum Re: This letter is respectfully submitted on behalf of Peter Bacanovic in response to the government's letters of June 27, 2003 and July 14, 2003 regarding probable violations of Rule 6(e) of the Federal Rules of Criminal Procedure. Mr. Bacanovic respectfully reiterates his request that the Court direct the US Atty's Office for the Southern District of NY to conduct an inquiry to determine the source of the alleged leaks. (jw) (Entered: 07/23/2003)
07/22/2003	15	LETTER filed by USA as to Martha Stewart From Karen Patton Seymour, Dated July 18, 2003, Addressed to: Judge Cedarbaum Re: The Government respectfully submits this letter in response to defendant Martha Stewart's July 16, 2003 letter. In her July 16 letter, Stewart repeats her request that the Court review the minutes of grand jury proceedings to determine whether grand jurors were instructed not to consider information circulating in the media prior to deliberating or voting on the indictment. To put this issue to rest, the Government will submit those minutes to the Court, should the Court wish to review them. The Government has requested that those minutes be transcribed and will submit them to the Court upon receipt. (jw) (Entered: 07/23/2003)
09/08/2003	20	MEMORANDUM OPINION # 89016 as to Martha Stewart, Peter Bacanovic, Deft's have requested that I direct the US Attorneys Office to conduct an inquiry to determine whether , before the return of the indictment, any Government employee released the information that the grand jury would not charge insider trading. I have carefully examined the materials submitted by Defts in support of the application, and am not persuaded that it is likely that there was a breach of grand jury secrecy. Accordingly, the Defts' request is denied. So Ordered. ( Signed by Judge Miriam Goldman Cedarbaum ); (ac) (Entered: 09/09/2003)
09/16/2003	5	Filed Memo-Endorsement on letter: by Martha Stewart , from Robert Morvillo, Dated 9/12/03, addressed to: Judge Cedarbaum Re: US v Stewart, We request that the Court grant Ms. Stewart permission to file a memorandum of law in support of her omnibus pre-trial motions in excess of the 25 page limit established by the Court. ....So Ordered. ( Signed by Judge Miriam Goldman Cedarbaum ); (ac) (Entered: 09/17/2003)
09/18/2003	6	TRANSCRIPT of record of proceedings as to Martha Stewart, Peter Bacanovic for dates of 7/21/03, before Judge Miriam Goldman Cedarbaum . (tr) (Entered: 09/18/2003)
09/19/2003	24	Filed Memo-Endorsement on letter: addressed to Judge Cedarbaum from Attorney Robert G. Morvillo, dated 9/17/03, filed by deft Martha Stewart, as to defts Martha Stewart, Peter Bacanovic. Mr. Morvillo propose the following briefing schedule: Deft's Pre-trial Motions due 10/6/03, Govt's Response due 11/5/03, Defts' Reply due 11/14/03, Oral Argument for 11/18/03 at 4:30 p.m.; JUDGE ENDORSED - Request granted. ( Signed on 9/19/03 by Judge Miriam Goldman Cedarbaum ). [ microfilm 9/22/03 9am ]; Copies Mailed By Chambers. (bw) Modified on 09/24/2003 (Entered: 09/24/2003)
10/06/2003	27	MOTION by Martha Stewart, Peter Bacanovic to dismiss Specification Two of Count Two of the Indictment , and Granting such other and further relief to which the Court deems the defendant entitled Return Date not specified. Certificate of Service attached. (jw) (Entered: 10/07/2003)
10/06/2003	28	MOTION by Martha Stewart, Peter Bacanovic to sever Mr. Bacanovic's trial from that of his co-defendant Martha Stewart , and Granting such other and further relief to which the Court deems the defendant entitled Return Date not specified. Certificate of Service attached. (jw) (Entered: 10/07/2003)
10/06/2003	29	MOTION by Martha Stewart, Peter Bacanovic to sever Count Nine of the Indictment from the other eight counts , and Granting such other and further relief to which the Court deems the defendant entitled Return Date not specified. Certificate of Service attached. (jw) (Entered: 10/07/2003)
10/06/2003	30	MOTION by Martha Stewart, Peter Bacanovic to strike inflammatory, prejudicial and irrelevant surplusage from the Indictment , and Granting such other and further relief to which the Court deems the defendant entitled Return Date not specified. Certificate of Service attached. (jw) (Entered: 10/07/2003)
10/06/2003	31	MOTION by Martha Stewart, Peter Bacanovic to direct the government to furnish a bill of particulars , and to compel further discovery , and Granting such other and further relief to which the Court deems the defendant entitled Return Date not specified. Certificate of Service attached. (jw) (Entered: 10/07/2003)
10/06/2003	32	MEMORANDUM by Martha Stewart, Peter Bacanovic in support of [27-1] motion to dismiss Specification Two of Count Two of the Indictment, [27-2] motion Granting such other and further relief to which the Court deems the defendant entitled (jw) (Entered: 10/07/2003)
10/06/2003	33	MEMORANDUM by Martha Stewart, Peter Bacanovic in support of [28-1] motion to sever Mr. Bacanovic's trial from that of his co-defendant Martha Stewart, [28-2] motion Granting such other and further relief to which the Court deems the defendant entitled (jw) (Entered: 10/07/2003)
10/06/2003	34	MEMORANDUM by Martha Stewart, Peter Bacanovic in support of [29-1] motion to sever Count Nine of the Indictment from the other eight counts, [29-2] motion Granting such other and further relief to which the Court deems the defendant entitled (jw) (Entered: 10/07/2003)
10/06/2003	35	MEMORANDUM by Martha Stewart, Peter Bacanovic in support of [30-1] motion to strike inflammatory, prejudicial and irrelevant surplusage from the Indictment, [30-2] motion Granting such other and further relief to which the Court deems the defendant entitled (jw) (Entered: 10/07/2003)
10/06/2003	36	MEMORANDUM by Martha Stewart, Peter Bacanovic in support of [31-1] motion to direct the government to furnish a bill of particulars, [31-2] motion to compel further discovery, [31-3] motion Granting such other and further relief to which the Court deems the defendant entitled (jw) (Entered: 10/07/2003)
10/06/2003	37	AFFIDAVIT by Martha Stewart, Peter Bacanovic Re: [31-1] motion to direct the government to furnish a bill of particulars, [31-2] motion to compel further discovery, [31-3] motion Granting such other and further relief to which the Court deems the defendant

		entitled, [30-1] motion to strike inflammatory, prejudicial and irrelevant surplusage from the Indictment, [30-2] motion Granting such other and further relief to which the Court deems the defendant entitled, [29-1] motion to sever Count Nine of the Indictment from the other eight counts, [29-2] motion Granting such other and further relief to which the Court deems the defendant entitled, [28-1] motion to sever Mr. Bacanovic's trial from that of his co-defendant Martha Stewart, [28-2] motion Granting such other and further relief to which the Court deems the defendant entitled, [27-1] motion to dismiss Specification Two of Count Two of the Indictment, [27-2] motion Granting such other and further relief to which the Court deems the defendant entitled (jw) (Entered: 10/07/2003)
10/06/2003	38	NOTICE OF MOTION by Martha Stewart granting Ms. Stewart leave to issue subpoenas pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure returnable prior to trial ; and granting such other and further relief to which the Court deems the defendant entitled. Affidavit by Robert G. Morvillo in support attached. Return Date not specified. (ja) Modified on 10/08/2003 (Entered: 10/08/2003)
10/06/2003	39	MEMORANDUM by Martha Stewart in support of [38-1] motion granting Ms. Stewart leave to issue subpoenas pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure returnable prior to trial, [38-2] motion granting such other and further relief to which the Court deems the defendant entitled. (ja) (Entered: 10/08/2003)
10/06/2003	40	NOTICE OF MOTION by Martha Stewart dismissing Count 9 of the Indictment in its entirety , dismissing Count 8 of the Indictment in its entirety and striking obstruction of an agency proceeding in violation of 18 U.S.C. Sec. 1505 as an object of the conspiracy alleged in Count 1 of the Indictment , striking certain alleged false statement specifications from Counts 3 and 4 of the Indictment , striking prejudicial surplusage from Indictment , directing the government to furnish a bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f) ; and granting such other and further relief to which the Court deems the defendant entitled Affidavit by John J. Tigue, Jr. in support attached. Return Date not specified. (ja) Modified on 10/08/2003 (Entered: 10/08/2003)
10/06/2003	41	MEMORANDUM by Martha Stewart in support of [40-1] motion dismissing Count 9 of the Indictment in its entirety, [40-2] motion dismissing Count 8 of the Indictment in its entirety and striking obstruction of an agency proceeding in violation of 18 U.S.C. Sec. 1505 as an object of the conspiracy alleged in Count 1 of the Indictment, [40-3] motion striking certain alleged false statement specifications from Counts 3 and 4 of the Indictment, [40-4] motion striking prejudicial surplusage from Indictment, [40-5] motion directing the government to furnish a bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f), [40-6] motion granting such other and further relief to which the Court deems the defendant entitled, [38-1] motion granting Ms. Stewart leave to issue subpoenas pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure returnable prior to trial, [38-2] motion granting such other and further relief to which the Court deems the defendant entitled. (ja) (Entered: 10/08/2003)
10/17/2003	43	LETTER filed by USA as to Martha Stewart, Peter Bacanovic From Karen Patton Seymour & Richard D. Owens & Michael S. Schachter, Dated August 21, 2003, Addressed to: Judge Cedarbaum Re: The Government writes to seek an early determination from the Court that a June 24, 2002 email from defendant Martha Stewart to her daughter Alexis Stewart. For the foregoing reasons, the Government respectfully requests that , following in camera review of the email in unredacted form, the Court issue an Order finding that the June 24, 2002 email from Martha Stewart to Alexis Stewart is not shielded from disclosure by the atty-client privilege or atty work product doctrine. (jw) (Entered: 10/20/2003)
10/17/2003	44	AFFIRMATION by USA Karen Patton Seymour as to Martha Stewart, Peter Bacanovic Re: [43-1] letter dated August 21, 2003, requesting a determination that an email communication between defendant Martha Stewart and her daughter Alexis Stewart dated June 24, 2002. (jw) (Entered: 10/20/2003)
10/17/2003	45	AFFIRMATION by USA as to Martha Stewart, Peter Bacanovic Re: [43-1] letter in support of the letter dated August 21, 2003, requesting a determination that an email communication between defendant Martha Stewart and her daughter, Alexis Stewart, dated June 24, 2002. (jw) (Entered: 10/20/2003)
10/17/2003	46	Exhibits to Government's August 21, 2003 Letter (jw) (Entered: 10/20/2003)
10/17/2003	47	LETTER filed by Martha Stewart From Robert G. Morvillo, Dated September 5, 2003, Addressed to: Judge Cedarbaum Re: This letter is written in response to the government's request for an early determination that the copy of an email sent by Martha Stewart to her atty on June 23, 2002 and forwarded to her daughter on June 24 is not protected by the atty-client privilege or work product doctrine. For the reasons discussed below both the June 23 email and the copy forwarded the following day are protected documents that should not be available for the government's use now or at trial. (jw) (Entered: 10/20/2003)
10/17/2003	48	Exhibits to Martha Stewart's September 5, 2003 Letter To The Court (jw) (Entered: 10/20/2003)
10/17/2003	49	LETTER filed by Martha Stewart, Peter Bacanovic From Mark J. Stein, Dated September 10, 2003, Addressed to: Judge Cedarbaum Re: This letter is respectfully submitted on behalf of our client, Martha Stewart Living Omnimedia, Inc in order to provide factual background to the Court in connection with the issues raised by the Government in its letter dated August 21, 2003. (jw) (Entered: 10/20/2003)
10/17/2003	50	Exhibits to Mark J. Stein September 10, 2003 letter (jw) (Entered: 10/20/2003)
10/17/2003	51	LETTER filed by USA as to Martha Stewart, Peter Bacanovic From Karen Patton Seymour & Richard D. Owens & Michael S. Schachter, Dated September 23, 2003, Addressed to: Judge Cedarbaum Re: For the foregoing reasons, the Government respectfully requests that, following in camera review of the email in unredacted form, the Court issue an Order finding that the June 24, 2002 email from Martha Stewart to Alexis Stewart is not shielded from disclosure by the atty-client privilege or atty work product doctrine. (jw) (Entered: 10/20/2003)
10/17/2003	52	LETTER filed by Martha Stewart From John J. Tigue, Dated September 24, 2003, Addressed to: Judge Cedarbaum Re: We have read the government's September 23 submission to the Court relative to the government's request for a determination whether or not a June 24, 2002 email from Ms. Stewart is a privileged document. We intend to submit affidavits in support of the positions set forth in our September 5, 2003 letter by October 3, 2003. (jw) (Entered: 10/20/2003)

10/17/2003	53	LETTER filed by Martha Stewart From John J. Tigie, Dated October 3, 2003, Addressed to: Judge Cedarbaum Re: This letter is respectfully submitted on behalf of Martha Stewart regarding whether a June 23, 2002 email sent by Ms. Stewart to her atty, and the forwarded copy sent by Ms. Stewart to her daughter the next day. (jw) (Entered: 10/20/2003)
10/17/2003	54	AFFIDAVIT of Alexis Stewart - Martha Stewart's daughter. The document that is the subject of this motion has been described to me in general terms. (jw) (Entered: 10/20/2003)
10/17/2003	55	AFFIDAVIT of Andrew J. Nussbaum - Partner in the firm of Wachtell, Lipton, Rosen & Katz, attys for Martha Stewart in this matter from January 2002 through June 2003 and thereafter. (jw) (Entered: 10/20/2003)
10/17/2003	56	AFFIDAVIT of John F. Savarese - Partner in the firm of Wachtell, Lipton, Rosen & Katz, attys for Martha Stewart in this matter from January 2002 - June 2002 and thereafter. (jw) (Entered: 10/20/2003)
10/17/2003	57	AFFIDAVIT of Martha Stewart Re: On June 24, 2002, I forwarded the email, unchanged to my daughter Alexis Stewart. By forwarding the email to my daughter, I did not understand or intend to waive the atty client privilege or any other privilege with respect to that document. (jw) (Entered: 10/20/2003)
10/20/2003	58	OPINION # 89229 as to Martha Stewart, By letter dated August 21, 2003, the Government requested an early determination of whether an e-mail that Martha Stewart sent to her atty and then forwarded to her daughter is either atty-client privileged or protected as atty work product. After considering the submissions of various parties, I hold that the e-mail is protected work product, and that for the reasons stated, Stewart did not waive its immunity by forwarding the document to her daughter ( Signed by Judge Miriam Goldman Cedarbaum ); Copies to Counsel. (jw) (Entered: 10/20/2003)
11/05/2003	59	MEMORANDUM by USA as to Martha Stewart in opposition to [40-1] motion dismissing Count 9 of the Indictment in its entirety, [40-2] motion dismissing Count 8 of the Indictment in its entirety and striking obstruction of an agency proceeding in violation of 18 U.S.C. Sec. 1505 as an object of the conspiracy alleged in Count 1 of the Indictment. Exhibits to Government's Memorandum of Law in opposition to defendant Stewarts' motions to dismiss counts 8,9 and three specifications of counts four and five. (ph) (Entered: 11/06/2003)
11/05/2003	60	Exhibit list by USA as to Martha Stewart. (ph) (Entered: 11/06/2003)
11/05/2003	64	MEMORANDUM by USA as to Martha Stewart, Peter Bacanovic in opposition to [30-1] motion to strike inflammatory, prejudicial and irrelevant surplusage from the Indictment, [30-2] motion Granting such other and further relief to which the Court deems the defendant entitled. (ph) (Entered: 11/06/2003)
11/05/2003	65	MEMORANDUM by USA as to Martha Stewart, Peter Bacanovic in opposition to [31-1] motion to direct the government to furnish a bill of particulars, [31-2] motion to compel further discovery, [31-3] motion Granting such other and further relief to which the Court deems the defendant entitled. (ph) (Entered: 11/06/2003)
11/12/2003	66	Filed Memo-Endorsement on letter: by Martha Stewart , from Robert G. Morvillo, Dated November 7, 2003, addressed to: Judge Cedarbaum Re: Scheduling, Requesting leave to the Court to submit a reply memorandum of law in excess of the 10 page limit established by the Court's individual practices due to the number and complexity of the issues raised in the omnibus motion Judge's Memo-endorsed... Request denied. SO ORDERED , ( Signed by Judge Miriam Goldman Cedarbaum ); Copies Mailed to counsel. (jw) (Entered: 11/13/2003)
11/14/2003	73	MEMORANDUM by Martha Stewart in support of [31-1] motion to direct the government to furnish a bill of particulars, [31-2] motion to compel further discovery, [30-1] motion to strike inflammatory, prejudicial and irrelevant surplusage from the Indictment, [29-1] motion to sever Count Nine of the Indictment from the other eight counts, [28-1] motion to sever Mr. Bacanovic's trial from that of his co-defendant Martha Stewart, [27-1] motion to dismiss Specification Two of Count Two of the Indictment, [40-1] motion dismissing Count 9 of the Indictment in its entirety, [40-2] motion dismissing Count 8 of the Indictment in its entirety and striking obstruction of an agency proceeding in violation of 18 U.S.C. Sec. 1505 as an object of the conspiracy alleged in Count 1 of the Indictment, [40-3] motion striking certain alleged false statement specifications from Counts 3 and 4 of the Indictment, [40-4] motion striking prejudicial surplusage from Indictment, [40-5] motion directing the government to furnish a bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f), [38-1] motion granting Ms. Stewart leave to issue subpoenas pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure returnable prior to trial, [38-2] motion granting such other and further relief to which the Court deems the defendant entitled. Appendix in further support of Omnibus Pretrial motions attached. (ja) Modified on 11/18/2003 (Entered: 11/18/2003)
11/18/2003		Status conference as to Martha Stewart, Peter Bacanovic held before Judge Miriam Goldman Cedarbaum. Hearing held. Defendant Martha Stewart present with attys Robert G. Morvillo, John Cuti, John Tigie, and Rebecca Monck. Defendant Bacanovic present with attys Richard Strassberg and David Apfel. AUSAs Michael Schachter, John Burck and Karen Patton Seymour present. Court reporter Amy Rivera present. Stewart motion to apply ex-parte for subpoenas pursuant to Fed. R. Cr. P. 17(c) is granted. Stewart motion dismissing count 9 of the indictment is denied. Stewart motion dismissing count 8 and striking obstruction of an agency proceeding in violation of 18 USC 1505 as an object of the conspiracy in count 1 is denied. Stewart motion striking certain alleged false statement specifications from count 3 and 4 is denied. Stewart motion striking surplusage from the indictment is denied. Stewart motion for a bill particulars is denied. Bacanovic motion for a bill of particulars is denied. Bacanovic motion for a bill of particulars is denied and compelling further discovery is granted in part and denied in part. The Government is to supply a list of co-conspirators by 12/15/03, a list of Government witnesses by 1/17/04 and all Jencks Material by 1/7/04. The Court aslo directs the parties to submit an jointly agreed upon Jury Questionnaire by 12/15/03. Defendants Stewart and Bacanovic are continued to be released. (jw) (Entered: 11/21/2003)
11/18/2003		ORAL ORDER as to Martha Stewart, Peter Bacanovic denying [31-1] motion to direct the government to furnish a bill of particulars as to Martha Stewart (1), Peter Bacanovic (2), granting in part, denying in part [31-2] motion to compel further discovery as to Martha

		Stewart (1), Peter Bacanovic (2), denying [31-3] motion Granting such other and further relief to which the Court deems the defendant entitled as to Martha Stewart (1), Peter Bacanovic (2), denying [30-1] motion to strike inflammatory, prejudicial and irrelevant surplusage from the Indictment as to Martha Stewart (1), Peter Bacanovic (2), denying [30-2] motion Granting such other and further relief to which the Court deems the defendant entitled as to Martha Stewart (1), Peter Bacanovic (2), denying [40-1] motion dismissing Count 9 of the Indictment in its entirety as to Martha Stewart (1), denying [40-2] motion dismissing Count 8 of the Indictment in its entirety and striking obstruction of an agency proceeding in violation of 18 U.S.C. Sec. 1505 as an object of the conspiracy alleged in Count 1 of the Indictment as to Martha Stewart (1), denying [40-3] motion striking certain alleged false statement specifications from Counts 3 and 4 of the Indictment as to Martha Stewart (1), denying [40-4] motion striking prejudicial surplusage from Indictment as to Martha Stewart (1), denying [40-5] motion directing the government to furnish a bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f) as to Martha Stewart (1), denying [40-6] motion granting such other and further relief to which the Court deems the defendant entitled as to Martha Stewart (1), granting [38-1] motion granting Ms. Stewart leave to issue subpoenas pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure returnable prior to trial as to Martha Stewart (1), granting [38-2] motion granting such other and further relief to which the Court deems the defendant entitled. as to Martha Stewart (1) ( Entered by Judge Miriam Goldman Cedarbaum ) (jw) (Entered: 11/22/2003)
12/02/2003	74	ORDER as to Martha Stewart, Peter Bacanovic. Jury Administrator Jerome Grate and I have agreed on the following schedule: Potential jurors will complete questionnaires on 1/6/04. Copies of completed questionnaires will be made available to all counsel on 1/7/04. Panelists will be brought in and voir dire will commence on 1/20/04 at 10:00 a.m. All counsel should confer and agree on the potential jurors who should be excused for cause, and submit to me the questionnaires of such potential jurors by Monday, January 12, 2004. Counsel are also directed to furnish to me by Wednesday, January 14, 2004 copies of the questionnaires, upon which counsel have noted those questions which they believe require further exploration by the Court. SO ORDERED. (Signed by Judge Miriam Goldman Cedarbaum on 12/2/03)(ja, ) (Entered: 12/08/2003)
12/05/2003	75	Letter by Martha Stewart addressed to Judge Cedarbaum from Robert G. Morvillo dated October 29, 2003 re: When the government is a party to a litigation, it should be held to the same standard as other litigants. Ms. Seymour read material protected by the work product doctrine. This breach occurred by virtue of the government's own negligence. The government should not be permitted to gain an advantage from this type of conduct. We respectfully submit that the requested relief should be granted. (jw, ) (Entered: 12/08/2003)
12/05/2003	76	Letter by Martha Stewart addressed to Judge Cedarbaum from Robert G. Morvillo dated December 1, 2003 re: This letter is respectfully submitted on behalf of Martha Stewart in further support of her request that the Court issue an order prohibiting AUSA Seymour from cross examining or preparing for the cross examination of Martha Stewart, should Ms. Stewart choose to testify at trial. (jw, ) (Entered: 12/08/2003)
12/05/2003	77	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour & Michael S. Schachter & William A. Burck dated November 21, 2003 re: The Government respectfully submits this letter in opposition to defendant Martha Stewart's motion of October 29, 2003. For these reasons, Stewart's unprecedented and unsupported request to interfere with the Government's trial strategy should be denied. (jw, ) (Entered: 12/09/2003)
12/08/2003	78	MEMORANDUM & OPINION # 89414 as to Martha Stewart. In a previous opinion, I held that an e-mail that defendant Martha Stewart sent to her lawyer and then forwarded to her daughter was protected work product and unavailable for the Government's use at trial. Stewart seeks an order disqualifying the Assistant United States Attorney who inadvertently read the e-mail from cross-examining Stewart or participating in preparation for such cross-examination, should Stewart choose to testify. For the reasons stated in the Memorandum Opinion, defendant's application is denied. (Signed by Judge Miriam Goldman Cedarbaum on 12/8/03) Copies mailed to counsel by Chambers on 12/8/03.(ph, ) (Entered: 12/10/2003)
12/29/2003		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Status Conference as to Martha Stewart, Peter Bacanovic held on 12/29/2003. Deft. Stewart not present. Attorneys Robert G. Morvillo, John J. Tigue, Jr., Rebecca Monck and John Cuti present. Deft. Bacanovic not present, attorneys Richard Strassberg and Cheryl Brunnetti present. AUSA's Michael Schachter, William Burck and Karen Seymour present. Court Reporter Michael McDaniel present. Defendants continued released. (rg, ) (Entered: 01/02/2004)
12/30/2003	83	MEMORANDUM & OPINION # 89506 as to Martha Stewart, Peter Bacanovic. The government has applied for two subpoenas duces tecum pursuant to Federal Rule of Criminal Procedure 17(c). The first subpoena is addressed to the law firm of Wachtell, Lipton, Rosen and Katz, attorneys for defendant Martha Stewart. The other subpoena is address to defendant Peter Bacanovic. For the reasons stated in this Memorandum and Opinion, the government's application is denied, except with respect to the proposed subpoena to Wachtell, Lipton for billing records. (Signed by Judge Miriam Goldman Cedarbaum on 12/29/03)(ph, ) (Entered: 01/06/2004)
01/02/2004	79	ORDER as to Martha Stewart, Peter Bacanovic that no member of the press may speak to, interview, or have any contact or communication with any prospective juror called for jury duty on January 6, 2004, or any family member of such prospective juror; and it is further ordered that this prohibition on any and all contacts or communications between the press and prospective jurors and their families shall be in effect as to each prospective juror until such time as that juror's service in this case is complete, as determined solely by this Court.. (Signed by Judge Miriam Goldman Cedarbaum on 1/2/04)(rg, ) (Entered: 01/02/2004)
01/05/2004	80	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 11/18/03 before Judge Miriam Goldman Cedarbaum. (pr, ) (Entered: 01/05/2004)
01/05/2004	81	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 11/18/03 before Judge Miriam Goldman Cedarbaum. (pr, ) (Entered: 01/05/2004)

01/05/2004	84	(S1) SUPERSEDING INDICTMENT FILED as to Martha Stewart (1) count(s) 1s, 3s-4s, 8s, 9s, Peter Bacanovic (2) count(s) 1s, 2s, 5s, 6s, 7s. (jw, ) (Entered: 01/07/2004)
01/08/2004	202	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour and Michael S. Schachter and William A. Burck dated 1/8/04 re: The Government respectfully submits this letter to bring to the Court's attention a disagreement between the Government and the defense over the Court's direction regarding the production of Jencks Act materials. (jw, ) (Entered: 08/16/2004)
01/14/2004	86	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Members of the in-house press dated 1/14/04 re: writing to discuss concerns about coverage of voir dire in this case. (ph, ) (Entered: 01/16/2004)
01/15/2004	87	ORDER as to Martha Stewart, Peter Bacanovic. IT IS HEREBY ORDERED that no member of the press may be present for any voir dire proceedings that are conducted in the robing room; IT IS FURTHER ORDERED that a transcript of each day's voir dire proceedings will be made public the following day, with the names of prospective or selected jurors redacted from the transcripts, as well as such deeply personal information as any juror shall reasonably request not be made public. IT IS FURTHER ORDERED that no member of the press may sketch or photograph or divulge the name of any prospective or selected juror; and IT IS FURTHER ORDERED that this Order shall be in effect as to each prospective or selected juror until such time as that juror's service in this case is complete, as determined solely by this Court. (Signed by Judge Miriam Goldman Cedarbaum on 1/15/03)(ph, ) (Entered: 01/16/2004)
01/15/2004	89	Letter by USA as to Martha Stewart, Peter Bacanovic, addressed to Judge Cedarbaum, from K.P. Seymour, M.S. Schachter, and W.A. Burck, AUSAs, dated 1/14/04, re: exclusion of the press from voir dire proceedings conducted in the robing room and prohibit publication or disclosure of juror identities.... Accordingly, the Government requests a limited closure of voir dire to protect jurors from unwarranted press intrusions, and thereby ensure that jurors are as candid as possible during jury selection. The defendants do not oppose this application. (ja, ) (Entered: 01/22/2004)
01/20/2004	88	NOTICE OF APPEAL (Interlocutory) by Media Coalition as to Martha Stewart, Peter Bacanovic from 87 Order,... Filing fee \$ 255.00, receipt number E 496788. Copies of Notice of Interlocutory Appeal mailed to Attorney(s) of Record: JOHN J. TIGUE, DAVID J. APFEL, RICHARD M. STRASSBERG, GARY STEIN, DEBBIE LANDIS.. (pr, ) (Entered: 01/20/2004)
01/20/2004		Transmission of Notice of Appeal to the District Judge re: 88 Notice of Appeal - Interlocutory.. (pr, ) (Entered: 01/20/2004)
01/20/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Martha Stewart, Peter Bacanovic to US Court of Appeals re: 88 Notice of Appeal - Interlocutory.. (pr, ) (Entered: 01/20/2004)
01/20/2004	90	ENDORSED LETTER as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney David A. Schulz dated 1/19/04 re: requesting that the start of the voir dire be delayed temporarily so that expedited reiew by the Court of Appeals may be sought. Judge memo-endorsed: In view of the long delay of the trial of this case, this request for a delay of the start of oral voir dire is denied. Prospective jurors have already been notified to appear tomorrow. And a transcript of the proceedings will be available on the following day. So ordered. Copies faxed to counsel by chambers..(ph, ) (Entered: 01/22/2004)
01/20/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Arraignment as to Martha Stewart (1) Count 1s, 3s-4s, 8s, and 9s and Peter Bacanovic (2) Count 1s, 2s, 5s, 6s, and 7s held on 1/20/2004. Defendant Stewart present with attys Robert Morvillo, John Tique, Rebecca Monck, and John Cuti. Plea entered by Martha Stewart (1) Count 1s, 3s-4s, 8s, and 9s, Not Guilty on all counts of the Superseding Indictment. Defendant Bacanovic present with attys Richard Strassberg, David Apfel, and Cheryl Brunetti. Plea entered by Peter Bacanovic (2) Count 1s, 2s, 5s, 6s, and 7s, Not Guilty on all counts of the Superseding Indictment. AUSAs Michael Schachter, Karen Patton Seymour and William Burke present. Special Agent Catherine Farmer and Emil Bore present. Defendants continued released. (Court Reporter Tom Murray and Vincent Bologna) (ja, ) (Entered: 02/04/2004)
01/20/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Voir Dire begun on 1/20/2004 Martha Stewart (1) on Count 1,1s,3-4,3s-4s,8,8s,9,9s and Peter Bacanovic (2) on Count 1,1s,2,2s,5,5s,6,6s,7,7s. (jw, ) (Entered: 02/05/2004)
01/21/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Voir Dire held on 1/21/2004 as to Martha Stewart, Peter Bacanovic (jw, ) (Entered: 02/05/2004)
01/22/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Voir Dire held on 1/22/2004 as to Martha Stewart, Peter Bacanovic (jw, ) (Entered: 02/05/2004)
01/23/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Voir Dire held on 1/23/2004 as to Martha Stewart, Peter Bacanovic (jw, ) (Entered: 02/05/2004)
01/24/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Voir Dire held on 1/24/2004 as to Martha Stewart, Peter Bacanovic and completed. (jw, ) (Entered: 02/05/2004)
01/26/2004	91	MEMORANDUM & OPINION # 89603 as to Martha Stewart, Peter Bacanovic. The Government has moved in limine to preclude the defendants from arguing in opening statements or presenting evidence that would tend to show: (1) that the Government's motives in investigating and prosecuting Stewart were improper; (2) that the fact that the indictment does not charge either defendant with the crime of insider trading shows that the Government does not believe that either defendant committed the crime of insider trading; (3) that Stewart is being prosecuted for asserting her innocence and exercising her First Amendment right to free speech; and (4) that Count Nine is a novel application of the securities laws. For the reasons stated in the Memorandum Opinion, the motion is granted.. (Signed by Judge Miriam Goldman Cedarbaum on 1/26/04) Copies to Counsel by Chambers..(ph, ) (Entered: 01/27/2004)
01/26/2004		Jury Impaneled as to Martha Stewart, Peter Bacanovic. Jury trial began: Jurors Empaneled and Sworn. Trial adjourned to 1/27/04 at 10:00am. (jw, ) (Entered: 02/05/2004)



01/26/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic began on 1/26/2004. (jw, ) (Entered: 02/05/2004)
01/26/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 1/26/2004. (jw, ) (Entered: 02/05/2004)
01/27/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 1/27/2004. (jw, ) (Entered: 02/05/2004)
01/29/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 1/29/2004. (jw, ) (Entered: 02/05/2004)
02/03/2004	92	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 12/17/03 before Judge Miriam Goldman Cedarbaum. (rg, ) (Entered: 02/03/2004)
02/04/2004	93	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 12/29/03 before Judge Miriam Goldman Cedarbaum. (rg, ) (Entered: 02/04/2004)
02/06/2004	94	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on November 18, 2003 before Judge Miriam Goldman Cedarbaum. (dt, ) (Entered: 02/06/2004)
02/09/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/9/2004. (ja, ) (Entered: 02/24/2004)
02/10/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/10/2004. (ja, ) (Entered: 02/24/2004)
02/11/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/11/2004. (ja, ) (Entered: 02/24/2004)
02/13/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/13/2004. (ja, ) (Entered: 02/24/2004)
02/17/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/17/2004. (ja, ) (Entered: 02/24/2004)
02/18/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/18/2004. (ja, ) (Entered: 02/24/2004)
02/19/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/19/2004. (ja, ) (Entered: 02/24/2004)
02/20/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/20/2004. Trial continued. (bw, ) (Entered: 03/04/2004)
02/23/2004	95	MOTION for Judgment of Acquittal Pursuant to Federal Rule of Criminal Procedure 29. Document filed by Martha Stewart. (jw, ) (Entered: 02/23/2004)
02/23/2004	96	Supplemental Arguments for Martha Stewart's Motion for Judgment of Acquittal Pursuant to Federal Rule of Criminal Procedure 29 as to Martha Stewart. (jw, ) (Entered: 02/23/2004)
02/23/2004	98	MEMORANDUM in Opposition by USA as to Martha Stewart, Peter Bacanovic re 95 MOTION for Judgment of Acquittal pursuant to Federal Rule of Criminal Procedure 29; re 97 Letter for a judgment of acquittal of Mr. Bacanovic on all of the charges that have been brought against him on Counts One, Two, Five, Six and Seven on the Superseding Indictment. (jw, ) (Entered: 02/23/2004)
02/23/2004	99	Appendix to the Government's Letter in Opposition to defendant's Rule 29 Motions by USA as to Martha Stewart, Peter Bacanovic. (jw, ) (Entered: 02/23/2004)
02/23/2004	100	AFFIDAVIT of Service by USA Karen Patton Seymour as to Martha Stewart. (jw, ) (Entered: 02/24/2004)
02/23/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/23/2004. Trial continued. (bw, ) (Entered: 03/04/2004)
02/24/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/24/2004. Trial continued. (bw, ) (Entered: 03/04/2004)
02/25/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 2/25/2004. Trial continued. (bw, ) (Entered: 03/04/2004)
02/26/2004	103	Letter by Media Coalition as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney David A. Schultz dated 2/26/04 re: requesting that (1) the charging conference be conducted in open court with the draft charge available for inspection; (2) the names and addresses of jurors be publicly available by the time a verdict is returned; (3) a space be made available in the courthouse for press interviews of willing jurors; and (4) the questionnaires of all prospective jurors questioned during voir dire be made available. (ph, ) (Entered: 03/03/2004)
02/27/2004	101	MEMORANDUM & OPINION # 89727 as to Martha Stewart. Defendant Martha Stewart has moved for a judgment of acquittal pursuant to Fed.R.Crim.P. 29. The motion is granted with respect to Count Nine only. SO ORDERED. (Signed by Judge Miriam Goldman Cedarbaum on 2/27/04) Copies Mailed By Chambers..(ja, ) (Entered: 03/01/2004)

02/27/2004	102	MEMORANDUM OF LAW by Media Coalition in Support of Application For Access To Juror Names, Addresses, and Questionnaires as to Martha Stewart, Peter Bacanovic. Affidavit of David A. Schulz in Support attached. (ja, ) (Entered: 03/01/2004)
03/01/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 3/1/2004. (jw, ) (Entered: 03/08/2004)
03/02/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 3/2/2004 (jw, ) (Entered: 03/08/2004)
03/02/2004	264	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum dated 3/2/04 re: Supplemental Request for Instruction (jw, ) (Entered: 08/18/2004)
03/03/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 3/3/2004. (jw, ) (Entered: 03/08/2004)
03/04/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 3/4/2004 (jw, ) (Entered: 03/08/2004)
03/05/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Jury Trial as to Martha Stewart, Peter Bacanovic held on 3/5/2004. Trial continued. Defendant Stewart was found guilty on counts 1,3,4,8. Defendant Bacanovic was found guilty on counts 1,2,6 and 7. PSI ordered. Sentencing set for 6/17/04am. Defendants continued released. (jw, ) (Entered: 03/08/2004)
03/05/2004		JURY VERDICT as to Martha Stewart (1) Guilty on Count 1s,3s-4s,8s and Peter Bacanovic (2) Guilty on Count 1s,2s,6s,7s. (jw, ) (Entered: 03/08/2004)
03/05/2004		ORDER FOR PRE-SENTENCE INVESTIGATION REPORT as to Martha Stewart, Peter Bacanovic (Signed by Judge Miriam Goldman Cedarbaum on 3/5/04)(jw, ) (Entered: 03/08/2004)
03/05/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum : as to Martha Stewart, Peter Bacanovic; Sentencing set for 6/17/2004 10:00 AM before Judge Miriam Goldman Cedarbaum. (jw, ) (Entered: 03/08/2004)
03/05/2004	104	ORDER as to Martha Stewart, Peter Bacanovic. Because of the extraordinary crush of television cameras and media representatives at all entrances and exits to the courthouse and the subway, It is hereby ORDERED that the US Marshal for the Southern District of NY furnish the jurors empanelled and sworn in the above-entitled case with the necessary transportation. (Signed by Judge Miriam Goldman Cedarbaum on 3/5/04)(jw, ) (Entered: 03/10/2004)
03/11/2004	105	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 1/16/04 before Judge Miriam Goldman Cedarbaum. (ja, ) (Entered: 03/15/2004)
03/12/2004	106	MANDATE of USCA (Certified Copy) as to Martha Stewart, Peter Bacanovic USCA Case Number 04-0220. Appeal from an order of the United States District Court for the Southern District of New York barring the media from attending the voir dire examinations of prospective jurors held in the district Judge's robing room but providing for the release of transcripts of the voir dire examinations with the names of the prospective jurors redacted. On consideration whereof, it is hereby ORDERED that the portion of the January 15 Order that barred the media from attending the voir dire proceedings held in the district judge's robing room is VACATED in accordance with the opinion of this Court. Issued As Mandate: 3/10/04. (ph, ) (Entered: 03/17/2004)
03/26/2004	111	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 3/2,3,4,5,8,9,10/04 before Judge Miriam Goldman Cedarbaum. (tr, ) (Entered: 03/26/2004)
03/26/2004	112	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 2/11,13,17,18,19/04 before Judge Miriam Goldman Cedarbaum. (tr, ) (Entered: 03/26/2004)
03/26/2004	113	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on February 24, 25, 26, 27, 2004 and March 1, 2, 3, 2004 before Judge Miriam Goldman Cedarbaum. (ja, ) (Entered: 03/26/2004)
03/26/2004	114	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 1/20,21,22,23,26/04 before Judge Miriam Goldman Cedarbaum. (tr, ) (Entered: 03/26/2004)
03/26/2004	115	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 2/19,20,23,24,25/04 before Judge Miriam Goldman Cedarbaum. (tr, ) (Entered: 03/26/2004)
03/26/2004	116	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 1/27,28,29,30/04 & 2/2,3,4/04 before Judge Miriam Goldman Cedarbaum. (tr, ) (Entered: 03/26/2004)
03/26/2004	117	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 2/4,5,9,10,11,12/04 before Judge Miriam Goldman Cedarbaum. (tr, ) (Entered: 03/26/2004)
03/29/2004	118	Letter as to Martha Stewart, Peter Bacanovic, addressed to Judge Cedarbaum, from Richard M. Strassberg and David J. Apfel, Attys, dated 2/20/04, re: the government's letter regarding potential Daubert issues relating to Dr. Lyter's testimony. Enclosed w/this letter are various articles over a number of years that confirm the accepted practice in the field of ink analysis of using densitometry to determine variations in the components of ink. (ja, ) (Entered: 03/30/2004)
03/29/2004	119	Letter as to Martha Stewart, Peter Bacanovic, addressed to Judge Cedarbaum, from Richard M. Strassberg/David J. Apfel, Attys, dated 2/22/04, re: this letter supplement our response to the Govt's letter of 2/20/04 (the "February 20 Letter"), seeking to preclude certain testimony from Mr. Bacanovic's ink analysis expert, Dr. Albert Lyter... We therefore submit that the govt's request to preclude Dr. Lyter's opinions as to his densitometry analysis must be denied. (ja, ) (Entered: 03/30/2004)

03/29/2004	120	Letter by USA as to Martha Stewart, Peter Bacanovic, addressed to Judge Cedarbaum, from Richard M. Strassberg/David J. Apfel, Attys, dated 2/22/04, re: Government's letter in support of it's in limine to exclude testimony of Mr. Bacanovic's purported expert witness, John Maine, who is to provide "expert" testimony on, among other things, securities industry practices...(ja, ) (Entered: 03/30/2004)
03/29/2004	121	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney Richard M. Strassberg dated 1/29/04 re: submitting to the Court that it would be erroneous to preclude the defense from cross examining Mr. Faneuil regarding his drug use. (ph, ) (Entered: 03/30/2004)
03/29/2004	122	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton, Seymour and Michael S. Schachter and William A. Burck dated January 27, 2004 re: The Government respectfully makes this supplemental submission in support of its motion in limine to preclude corss examination of Douglas Faneuil concerning his invocation of his Fifth Amendment right not to testify in a separate proceeding. (jw, ) (Entered: 03/30/2004)
03/29/2004	123	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSA William A. Burck dated 2/4/04 re: in further support of its position that evidence concerning Mr. Faneuil's drug use should be excluded. (ph, ) (Entered: 03/30/2004)
03/29/2004	124	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated January 28, 2004 re: Martha Stewart respectfully submits this letter in opposition to the Government's January 26, 2004 motion in limine to prevent two core areas of cross-examination that cut to the heart of the credibility and reliability of Doug Faneuil, the Government's star witness. (jw, ) (Entered: 03/30/2004)
03/29/2004	125	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney Richard M. Strassberg dated 2/8/04 re: excluding evidence concerning the civil "insider trading" case that the United States Securities Exchange Commission has brought against Mr. Bacanovic and Ms. Stewart. (ph, ) (Entered: 03/30/2004)
03/29/2004	126	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated February 7, 2004 re: The Government respectfully submits this opposition to Martha Stewart's motion in limine to preclude testimony of individual securities analysts and investors. (jw, ) (Entered: 03/30/2004)
03/29/2004	127	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSA William A. Burck dated 2/8/04 re: Peter Bacanovic's motion to exclude the SEC's civil complaint charging Mr. Bacanovic and Martha Stewart with insider trading. (ph, ) (Entered: 03/30/2004)
03/29/2004	128	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour and Michael S. Schachter and William A. Burck dated February 17, 2004 re: The Government respectfully submits this brief response to Ms. Stewart's motion to preclude evidence concerning her expense reimbursement practices. (jw, ) (Entered: 03/30/2004)
03/29/2004	129	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg dated January 21, 2004 re: Defendant Peter Bacanovic respectfully submits this motion in limine to exclude evidence at the trial of this matter concerning the crimnal case against Dr. Sam Waksal, the former Chief Executive Officer of ImClone who pled guilty to insider trading charges in June 2003. For the foregoing reasons, this Court should grant Mr. Bacanovic's motion in limine in its entirety and rule that the government may offer no evidence concerning the criminal case against Dr. Sam Waksal, particularly no evidence concerning Dr. Waksal's plea, conviction and/or sentence. (jw, ) (Entered: 03/31/2004)
03/29/2004	130	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney Richard M. Strassberg dated 2/16/04 re: to exclude on grounds of hearsay two items of information that we anticipate the government will seek to introduce through the upcoming testimony of Gregory Blatt. (ph, ) (Entered: 03/31/2004)
03/29/2004	131	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSA Karan Patton Seymour dated 2/17/04 re: responding to Mr. Baconovic's letter of 2/16/04 seeking preclusion of (a) testimony of Gregory Blatt and (b) an email sent by Andrew Nussbaum, an attorney at Wachtell Lipton Rosen & Katz, to Mr. Blatt. (ph, ) (Entered: 03/31/2004)
03/29/2004	132	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSA William A. Burck dated 2/20/04 re: submits this letter to preclude a portion of the testimony of Albert Lyter, who is to be called by Mr. Bacanovic as an ink analysis expert. (ph, ) (Entered: 03/31/2004)
03/29/2004	133	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSA Karen Patton Seymour dated 2/22/04 re: submits this letter seeking to preclude defendant Bacanovic from calling Douglas Faneuil's former attorney, Jeremiah Gutman, as a witness. (ph, ) (Entered: 03/31/2004)
03/29/2004	134	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney Richard M. Strassberg dated 2/22/04 re: submits this response to the government's letter of today seeking to preclude Jeremiah Gutman from being called as a defense witness. (ph, ) (Entered: 03/31/2004)
03/29/2004	135	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSA William A. Burck dated 2/24/04 re: submits this letter in support of its motion in limine to exclude the testimony of Elizabeth Loftus. (ph, ) (Entered: 03/31/2004)
03/30/2004	136	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSAs Karen Patton Seymour/Michael S. Schachter/William A. Burck, dated 1/19/04 re: submitted to move, in limine, to preclude the defts from arguing at trial, through jury addresses or witness examinations, or offering any evidence regarding: (1) the Govt's alleged motives in prosecuting this case; (2) the fact that the defts were not charged with insider trading and the SEC did not charge Ms. Stewart with securities fraud in connection with her 2002 public statements; (3) any claims by Ms. Stewart that she is charged in Count Nine with proclaiming her innocence or that Count Nine in any way implicates her First Amendment rights; and (4) any claim by Ms. Stewart that Count Nine is a "novel" or otherwise unusual charge. (bw, ) (Entered: 03/31/2004)

03/30/2004	138	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSAs Karen Patton Seymour/Michael S. Schachter/William A. Burck, dated 1/22/04 re: submitted in response to Mr. Bacanovic's motion in limine to exclude evidence of communications made to Mr. Bacanovic about Ms. Stewart's 6/12/02 press release. (bw, ) Modified on 3/31/2004 (bw, ). (Entered: 03/31/2004)
03/30/2004	139	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSAs Karen Patton Seymour/Michael S. Schachter/William A. Burck, dated 1/22/04 re: submitted in response to deft Bacanovic's motion in limine to exclude evidence of Sam Waksal's conviction, plea and sentence. (bw, ) (Entered: 03/31/2004)
03/30/2004	140	Letter by Martha Stewart addressed to Judge Cedarbaum from Attorney Robert G. Morvillo, dated 1/22/04 re: submitted in opposition to the Govt's 1/19/04 motion in limine to preclude defts from arguing or presenting evidence (see letter). (bw, ) (Entered: 03/31/2004)
03/30/2004	141	Letter by Martha Stewart addressed to Judge Cedarbaum from Attorney Robert G. Morvillo, dated 1/22/04 re: submitted to move in limine to preclude the Govt from introducing (1) the subjective, isolated, cherry-picked testimony from a single or even group of analysts and a single or even several investors to prove the "materiality" of Ms. Stewart's alleged June statements; (2) irrelevant, inflammatory, prejudicial evidence concerning Ms. Stewart's expense reimbursement practices at MSO; and (3) evidence that Ms. Stewart was elected to serve on, and became a member of, the Broad of Directors of the New York Stock Exchange on 6/6/02. (bw, ) (Entered: 03/31/2004)
03/30/2004	142	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from AUSAs Karen Patton Seymour/Michael S. Schachter/William A. Burck, dated 1/23/04 re: submitted to reply to Martha Stewart's 1/22/04 opposition to the Govt's motions in limine submitted on 1/19/04. (bw, ) (Entered: 03/31/2004)
03/30/2004	143	Letter by Martha Stewart addressed to Judge Cedarbaum from Attorney Robert G. Morvillo, dated 1/26/04 re: submitted to notify the Court that Martha Stewart plans to cross-examine Doug Faneuil at trial concerning his pro-Government bias, as demonstrated by his prior invocation of the Fifth Amendment at a civil deposition concerning facts to which he will freely testify for the Govt at trial. Peter Bacanovic joins in this submission. (bw, ) (Entered: 03/31/2004)
03/30/2004	144	Letter by Martha Stewart addressed to Judge Cedarbaum from Attorney Robert G. Morvillo, dated 2/18/04 re: submitted in response to the Govt's 1/26/04 letter concerning the Govt's attempt to insert the irrelevant issue of Ms. Stewart's expense reimbursement at Martha Stewart Living into this trial. (bw, ) (Entered: 03/31/2004)
03/31/2004	145	MOTION Granting an evidentiary hearing to investigate the matter of deliberate concealment of material information by a juror on the jury questionnaire used during the jury selection process., MOTION for a New Trial pursuant to Federal Rule of Criminal Procedure 33. Document filed by Martha Stewart. (jw, ) (Entered: 04/01/2004)
03/31/2004	146	MEMORANDUM in Support by Martha Stewart re 145 MOTION Granting an evidentiary hearing to investigate the matter of deliberate concealment of material information by a juror on the jury questionnaire used during the jury selection process. MOTION for New Trial pursuant to Federal Rule of Criminal Procedure 33. (jw, ) (Entered: 04/01/2004)
04/07/2004	148	MEMORANDUM in Opposition by USA as to Martha Stewart re 145 MOTION Granting an evidentiary hearing to investigate the matter of deliberate concealment of material information by a juror on the jury questionnaire used during the jury selection process. MOTION for New Trial pursuant to Federal Rule of Criminal Procedure 33. (jw, ) (Entered: 04/08/2004)
04/14/2004	149	REPLY MEMORANDUM OF LAW in Support as to Martha Stewart re: 145 MOTION Granting an evidentiary hearing to investigate the matter of deliberate concealment of material information by a juror on the jury questionnaire used during the jury selection process. MOTION for New Trial. (jw, ) (Entered: 04/15/2004)
04/14/2004	150	SUPPLEMENTAL AFFIDAVIT of Robert G. Morvillo by Martha Stewart. Wherefore, for the reasons set forth in the accompanying reply memorandum of law and in the original moving papers, and supporting affidavits, Martha Stewart's motion for a new trial pursuant to Federal Rule of Criminal Procedure 33 should be granted, or in the alternative, the Court should conduct an evidentiary hearing. (jw, ) (Entered: 04/15/2004)
04/26/2004	276	Government's memorandum of law in further support of its opposition to the defendant's motions for a new trial pursuant to Federal Rule of Criminal Procedure 33 by USA as to Martha Stewart, Peter Bacanovic. (jw, ) (Entered: 10/14/2004)
04/27/2004	155	TRANSCRIPT of Proceedings as to Martha Stewart, Peter Bacanovic held on 3/3/2004 before Judge Miriam Goldman Cedarbaum. (jp, ) (Entered: 04/28/2004)
05/05/2004	156	MEMORANDUM & OPINION # 90048 as to Martha Stewart, Peter Bacanovic. Defendant Martha Stewart moves for a new trial pursuant to Fed.R.Cr.P. 33 or, alternatively, an evidentiary hearing into alleged juror misconduct. Her co-defendant, Peter Bacanovic, joins this motions. For the following reasons, the motion is denied... SO ORDERED. (Signed by Judge Miriam Goldman Cedarbaum on 5/5/04)(ja, ) (Entered: 05/06/2004)
05/05/2004	157	OPINION # 90047 as to Peter Bacanovic and Martha Stewart. Defendant Peter Bacanovic moves for a new trial pursuant to Fed.R.Cr.P.33 or alternatively, an evidentiary hearin on allegations that the jury that convicted him considered extraneous prejudicial information during its deliberations. His co-defendant, Martha Stewart, joins the motion. Bacanovic has not submitted sufficient evidence to support a contention that the jury that convicted him considered extraneous prejudicial information in reaching their verdict. His allegations are too speculative and tenuous to justify an evidentiary hearing. Accordingly, defendants' motion is denied. (Signed by Judge Miriam Goldman Cedarbaum on 5/5/04)(ph, ) (Entered: 05/06/2004)
05/24/2004	158	Letter by USA as to Martha Stewart, Peter Bacanovic, addressed to Judge Cedarbaum, from Karen. P. Seymour/Michael S. Schachter/William A. Burck, AUSAs, dated 5/21/04, re: to advise the Court and counsel that we have discovered facts which lead us to conclude that U.S. Secret Service Lab Dir. Larry F. Stewart, who testified at trial as an expert witness for the Gov't made false statements in his trial testimony on 2 subjects... (ja, ) (Entered: 05/25/2004)

06/02/2004	159	NOTICE of Change of Firm of Marc D. Powers, co-counsel of record to Non-Party Witness deft Douglas Faneuil. Marc D. Powers, Esq., Baker & Hostetler LLP, 666 Fifth Avenue, New York, NY 10103. Tel: 212-589-4216; Fax: 212-589-4201. (bw, ) (Entered: 06/04/2004)
06/07/2004	160	ENDORSED LETTER as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated June 3, 2004 re: Reschedule Sentencing., as to Martha Stewart, Peter Bacanovic; Sentencing set for 7/8/2004 10:00 AM before Judge Miriam Goldman Cedarbaum. Judge Memo-endorsed..Sentence adjourned to July 8, 2004 at 10am. SO ORDERED. (Signed by Judge Miriam Goldman Cedarbaum on 6/4/04)(jw, ) (Entered: 06/08/2004)
06/10/2004	165	MOTION to Direct the Government to provide additional discovery., MOTION for Hearing to resolve the factual issues raised in the memorandum of law., MOTION for New Trial pursuant to Federal Rule of Criminal Procedure 33. Certificate of Service attached.Document filed by Martha Stewart. (jw, ) (Entered: 06/28/2004)
06/10/2004	166	MEMORANDUM in Support by Martha Stewart re 165 MOTION to Direct. MOTION for Hearing. MOTION for Hearing. MOTION for New Trial. (jw, ) (Entered: 06/28/2004)
06/24/2004	167	MEMORANDUM in Opposition by USA as to Martha Stewart, Peter Bacanovic re 165 MOTION for New Trial. (ja, ) (Entered: 06/29/2004)
06/25/2004	170	ENDORSED LETTER as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney Robert G. Morvillo dated 6/25/04 re: requesting an adjournment of both defendants' sentences. Judge memo-endorsed: Sentences adjourned to July 16 at 10:00 a.m. Reply must be submitted by no later than June 30. All sentencing memoranda must be submitted by July 9. So ordered. (Signed by Judge Miriam Goldman Cedarbaum on 6/25/04)(ph, ) (Entered: 07/01/2004)
06/25/2004		Set/Reset Hearings as to Martha Stewart, Peter Bacanovic: Sentencing set for 7/16/2004 10:00 AM before Judge Miriam Goldman Cedarbaum.(ph, ) (Entered: 07/01/2004)
06/30/2004	168	MOTION filed by Martha Stewart for Walter Dellinger to Appear Pro Hac Vice. (bw, ) (Entered: 06/30/2004)
06/30/2004	169	MOTION filed by Martha Stewart for Matthew M. Shors to Appear Pro Hac Vice. (bw, ) (Entered: 06/30/2004)
06/30/2004	171	REPLY MEMORANDUM OF LAW in Support of Motion for a New Trial Based Upon Government Misconduct by Martha Stewart. Supplemental Affidavit of Atty in support attached. (ja, ) (Entered: 07/07/2004)
07/06/2004		ORDER granting 168 Motion for Walter Dellinger to Appear Pro Hac Vice as to Martha Stewart (1). (Signed by Judge Miriam Goldman Cedarbaum on 7/6/04) Copies Mailed By Chambers.(ja, ) (Entered: 07/15/2004)
07/07/2004	175	ADMISSION TO PRACTICE PRO HAC VICE as to Martha Stewart, Peter Bacanovic. The motion for admission to practice pro hac vice in the above-captioned matter is granted. The admitted atty, Matthew M. Shors, is permitted to argue or try this particular case in whole or in part as counsel or advocate. An atty admitted to practice pro hac vice is required to pay a \$25.00 atty admission fee and present this Order to the intake deputy in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee. This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission pro hac vice for the above-listed case will be made on the roll of attys. The atty admitted pro hac vice must serve a copy of this Order on all other counsel in this case. (Signed by Judge Miriam Goldman Cedarbaum on 7/6/04)(jw, ) (Entered: 07/19/2004)
07/08/2004	173	MOTION for an Order declaring the United States Sentencing Guidelines unconstitutional and therefore inapplicable to Ms. Stewart's upcoming sentencing. Document filed by Martha Stewart. Atty's Affidavit in support attached. (ja, ) (Entered: 07/09/2004)
07/08/2004	174	MEMORANDUM & OPINION # 90315 as to Martha Stewart, Peter Bacanovic re: 165 MOTION for New Trial filed by Martha Stewart, 161 MOTION for New Trial filed by Peter Bacanovic. Because there is no reasonable likelihood that this perjury could have affected the jury's verdict, and because overwhelming independent evidence supports the verdict, the motions are denied. (Signed by Judge Miriam Goldman Cedarbaum on 7/8/04)(ph, ) (Entered: 07/12/2004)
07/13/2004		MEMO ENDORSEMENT on 'Notice of Motion' (doc.#173) filed by deft Martha Stewart on 7/8/04. JUDGE ENDORSED - Motion denied. In Blakely v. Washington, 124 S.Ct. 2531 (2004), the Supreme Court stated: "The Federal Guidelines are not before us, and we express no opinion on them," id. at 2538 n.9. In any event, the Sentencing Guidelines applicable to this case do not require any enhancement by the judge. Accordingly, Blakely is not in point. (Signed by Judge Miriam Goldman Cedarbaum on 7/13/04); Copy Faxed By Chambers. (bw, ) (Entered: 07/14/2004)
07/16/2004	176	Document filed in error. Modified on 7/20/2004 (rag, ). (Entered: 07/19/2004)
07/16/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum :Sentencing held on 7/16/2004 for Martha Stewart (1) Count 1s,3s-4s,8s. (jw, ) (Entered: 07/19/2004)
07/16/2004	179	NOTICE OF APPEAL by Martha Stewart from 177 Judgment. Filing fee \$255.00, receipt number E 514706. Copies of Notice of Appeal mailed to Attorney(s) of Record: A.U.S.A. and Court Reporters. (tp, ) (Entered: 07/20/2004)
07/19/2004		DISMISSAL OF COUNTS on Government Motion as to Martha Stewart (1) Count 1,3-4,8,9,9s.(jw, ) (Entered: 07/19/2004)
07/19/2004	177	FILED JUDGMENT IN A CRIMINAL CASE as to Martha Stewart (1), Count(s) 1, 3-4, 8, 9, 9s, Originally Indictment are dismissed on the motion of the US; Found guilty to Count(s) 1s, 3s-4s, 8s, Imprisonment for a total term of 5 Months on counts 1,3,4,8 to run concurrently. The Sentence is stayed pending appeal. Supervised Release for a term of 2 Years with the special condition of 5 months of Home Confinement with Electronic Monitoring on Counts 1,3,4,8 to run concurrently. The place of Home Confinement shall be a single residential building on defendant's property in Bedford, NY. The Court makes the following recommendations to the Bureau of Prisons: It is recommended that the defendant be designated to the Federal Correction Institute in Danbury, Connecticut. The

		defendant is granted the privilege of Voluntary Surrender. Special Assessment of \$400 which is due immediately. Fine of \$30,000.00.. (Signed by Judge Miriam Goldman Cedarbaum on 7/19/04)(jw, ) (Entered: 07/20/2004)
07/20/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Martha Stewart to US Court of Appeals re: 179 Notice of Appeal - Final Judgment. (tp, ) (Entered: 07/20/2004)
07/20/2004		Transmission of Notice of Appeal to the District Judge re: 179 Notice of Appeal - Final Judgment. (tp, ) (Entered: 07/20/2004)
07/21/2004		Judgment entered in money judgment book as #04,1373 as to Martha Stewart in the amount of \$ 30,400.00, re: 177 Judgment. (ja, ) (Entered: 07/23/2004)
07/28/2004	181	TRANSCRIPT of Proceedings as to Martha Stewart held on 7/16/04 before Judge Miriam Goldman Cedarbaum. (dfe, ) (Entered: 07/28/2004)
07/30/2004		USCA Case Number 04-3953-cr as to Martha Stewart, assigned to 179 Notice of Appeal - Final Judgment filed by Martha Stewart. (pr, ) (Entered: 07/30/2004)
08/03/2004		USCA Case Number 04-3953 as to Martha Stewart, Peter Bacanovic, assigned to 179 Notice of Appeal - Final Judgment filed by Martha Stewart, 180 Notice of Appeal - Final Judgment filed by Peter Bacanovic. (pr, ) (Entered: 08/03/2004)
08/10/2004	184	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal as to Martha Stewart re: 179 Notice of Appeal - Final Judgment USCA Case Number 04-3953-cr, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp, ) (Entered: 08/10/2004)
08/10/2004	186	TRANSCRIPT of Proceedings as to Martha Stewart held on 7/16/04 before Judge Miriam Goldman Cedarbaum. (dfe, ) (Entered: 08/10/2004)
08/16/2004	188	TRANSCRIPT of Sentencing Proceedings as to Martha Stewart held on July 16, 2004 before Judge Miriam Goldman Cedarbaum. (ps, ) (Entered: 08/16/2004)
08/16/2004	189	MEMORANDUM OF LAW in Opposition to the Government's Proposed Rule 17(c) Subpoenas to Wachtell Lipton Rosen & Katz, John F. Savarese, and Steven Pearl. by Martha Stewart. (rag, ) (Entered: 08/16/2004)
08/16/2004	192	GOVERNMENT'S REPLY to Defendant Stewart's Opposition to the Government's Application for a Rule 17(C)Subpoena by USA as to Martha Stewart. (rag, ) (Entered: 08/16/2004)
08/16/2004	193	DECLARATION of Michael A. Charish re: Rule 17(c) subpoenas by Martha Stewart. (rag, ) (Entered: 08/16/2004)
08/16/2004	195	Request To Charge by USA as to Martha Stewart, Peter Bacanovic. (rag, ) (Entered: 08/16/2004)
08/16/2004	196	Request To Charge by Martha Stewart. (rag, ) (Entered: 08/16/2004)
08/16/2004	197	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Hon. Miriam Goldman Cedarbaum from Karen Patton Seymour, AUSA dated 12/13/03 re: Rule 17(c) request (rag, ) (Entered: 08/16/2004)
08/16/2004	198	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Hon. Miriam Goldman Cedarbaum from Karen Patton Seymour, AUSA dated 12/15/03 re: Rule 17(c) request (rag, ) (Entered: 08/16/2004)
08/16/2004	199	Letter by Peter Bacanovic as to Martha Stewart, Peter Bacanovic addressed to Hon. Miriam Goldman Cedarbaum from Richard M. Strassberg, Esq. dated 12/16/03 re: abuse of the grand jury subpoena power (rag, ) Modified on 8/16/2004 (rag, ). (Entered: 08/16/2004)
08/16/2004	200	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Hon. Miriam Goldman Cedarbaum from Karen Patton Seymour, AUSA dated 12/16/04 re: abuse of grand jury subpoena power (rag, ) Modified on 8/16/2004 (rag, ). (Entered: 08/16/2004)
08/16/2004	201	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 1/7/04 re: Accordingly, the Government respectfully encloses for the Court's signature two subpoenas duces tecum that the Government will serve on Wachtell and Mr. Savarese. (jw, ) (Entered: 08/16/2004)
08/16/2004	203	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 1/9/04 re: We request that the Court order the government to comply immediately with your Honor's directive of November 18, 2003 that all Jencks Act material be produced to the defendants by January 8, 2004. (jw, ) (Entered: 08/16/2004)
08/16/2004	204	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated December 31, 2003 re: The Government respectfully submits this letter on behalf of all parties to bring to the Court's attention a potential issue concerning jury selection. (jw, ) (Entered: 08/16/2004)
08/16/2004	205	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 1/26/04 re: The Government respectfully submits this letter to address the issue of how to describe AUSA Schachter's participation in the interviews of Ms. Stewart on February 4, 2002 and April 10, 2002. (jw, ) (Entered: 08/17/2004)
08/16/2004	206	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/2/04 re: We respectfully submit this letter to oppose the government's application to keep AUSA Schachter's name out of the trial. Certain of the charges in this case deal directly with the events surrounding and during Ms. Stewart's two voluntary interviews at the US Atty's Office on February 4, 2002, and April 10, 2002. (jw, ) (Entered: 08/17/2004)

08/16/2004	207	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated January 9, 2004 re: We write regarding the Government's failure to abide by the Court's November 18, 2003 direction that it produce all of the Jencks material in this case to the defendants on January 8, 2004. Accordingly, Ms. Stewart respectfully requests that the Government immediately produce all materials required to be provided pursuant to 18 USC 3500 and that the Government be directed to supply the defense with a witness list. (jw, ) (Entered: 08/17/2004)
08/16/2004	208	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg dated 1/29/04 re: We respectfully submits this letter to bring to Your Honor's attention a plain Brady violation by the government that compels dismissal of the indictment against Mr. Bacanovic. (jw, ) (Entered: 08/17/2004)
08/16/2004	209	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 1/29/04 re: I write on behalf of both defendants to advise the Court of our grave concern about the Government's very cavalier attitude towards its discovery, 3500, and Giglio obligations. (jw, ) (Entered: 08/17/2004)
08/16/2004	210	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 1/30/04 re: The Government respectfully submits this letter in regard to its disclosure of a report of a Government interview with Jeremiah Gutman, Esq. (jw, ) (Entered: 08/17/2004)
08/16/2004	211	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated February 1, 2004 re: The Government respectfully submits this letter in regard to its disclosure of FBI 302s and handwritten notes containing statements of friends of Douglas Faneuil, all of whom corroborate Mr. Faneuil's anticipated testimony. (jw, ) (Entered: 08/17/2004)
08/16/2004	212	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated February 2, 2004 re: The Government respectfully submits this brief response to Mr. Bacanovic's letter of February 1, 2004, in which he complains that the Government has "bombarded" him with what he mischaracterizes as new Brady or Giglio material, requiring a three-week adjournment of the trial. (jw, ) (Entered: 08/17/2004)
08/16/2004	213	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated February 3, 2004 re: The Government respectfully submits this letter in support of its application to elicit proof from Judy Monaghan and other witnesses of Mr. Bacanovic's and Ms. Stewart's prior use of limit and other automatic orders in Ms. Stewart's account, and Mr. Bacanovic's use of such orders in accoutns for other clients at Merrill Lynch. (jw, ) (Entered: 08/17/2004)
08/16/2004	214	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg dated 2/3/04 re: We respectfully submit this letter in further support of our objection to Government Exhibit 250 being offered into evidence. Therefore, we respectfully ask that Government Exhibit 250 not be received into evidence, and that any testimony concerning that exhibit be stricken from the record (jw, ) (Entered: 08/17/2004)
08/16/2004	215	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 2/3/04 re: The Government respectfully request that the Court clarify on the reocrd that the Government did not commit a Brady or Giglio violation in connection with last week's disclosure of Jeremiah Gutman's statements. (jw, ) (Entered: 08/17/2004)
08/16/2004	216	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 2/4/04 re: The Government respectfully submits this letter in regard to GX 28, on which the Court yesterday reserved decision on whether to admit the exhibit into evidence. (jw, ) (Entered: 08/17/2004)
08/16/2004	217	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 2/7/04 re: The Government respectfully submits this letter to address certain issues pertaining to the February 13, 2002 testimony of Peter Bacanovic the Government intends to offer on Monday afternoon, through the testimony of SEC enforcement atty Helene Glotzer. (jw, ) (Entered: 08/17/2004)
08/16/2004	218	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/7/04 re: We submit the following letter seeking reconsideration of that decision, Furthermore, defendant Stewart seeks leave of Court to cross-examine Mr. Faneuil on his seemingly inconsistent testimony made on February 4, 2004, while under oath, as to his use of ecstasy. (jw, ) (Entered: 08/17/2004)
08/16/2004	219	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/7/04 re: The Government respectfully submits this letter in opposition to the defendant's request for reconsideration of the Court's decision to preclude cross examination of Douglas Faneuil on his use of marijuana in Jamaica. (jw, ) (Entered: 08/17/2004)
08/16/2004	220	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg dated 2/8/04 re: We respectfully submit this letter in response to the government's letter of yesterday concerning its intention to introduce into evidence selected portions of Mr. Bacanovic's February 13, 2002 SEC testimony. (jw, ) (Entered: 08/17/2004)
08/16/2004	221	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/8/04 re: The Government respectfully submits this letter in reply to defendant Bacanovic's letter dated February 8, 2004 seeking to require the Government to offer the entirety of Bacanovic's SEC testimony. (jw, ) (Entered: 08/17/2004)
08/16/2004	222	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 2/9/04 re: The Government respectfully submits this offer of proof concerning the testimony of

		Helene Glotzer, a Staff Atty of the US Securities and Exchange Commission, and Special Agent Catherine Farmer of the Federal Bureau of Investigation. (jw, ) (Entered: 08/17/2004)
08/16/2004	223	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/9/04 re: We respectfully submit this letter in response to the government's opposition to Mr. Bacanovic's request that, as a matter of basic fairness and competeness, the entirety of Mr. Bacanovic's SEC testimony be admitted in order to give context to the excerpts the government intends to introduce at trial. (jw, ) (Entered: 08/17/2004)
08/16/2004	224	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/16/04 re: We respectfully provide notice to the Court of objections we intend to raise to the admission of certain charts and other exhibits that we anticipate the government will attempt to introduce through the first two witnesses whom it calls on Monday. (jw, ) (Entered: 08/17/2004)
08/16/2004	225	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from John J. Tique, Jr. dated 2/16/04 re: We write to you to object to several telephone records that we believe the Government will attempt to introduce into evidence on Tuesday, February 17, 2004. It is our understanding that it is the Government's intention to attempt to introduce Government's Exhibit 407-E, a cell phone record that shows a two minute call from Peter Bacvanovic's cell phone to Martha Stewart's cell phone on February 4, 2002 at 7:09am. We also understand that the Government still seek to introduce copies of telephone records for January 25, 2002; we object to these as well. (jw, ) (Entered: 08/17/2004)
08/16/2004	226	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from John J. Tique, Jr. dated 2/16/04 re: We write to you to object to several telephone records that the Government will attempt to introduce into evidence on Tuesday, February 17, 2004. (jw, ) (Entered: 08/17/2004)
08/16/2004	227	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/17/04 re: The Government respectfully submits this letter in regard to admission of phone record evidence concerning relevant communications on various key dates in the case. (jw, ) (Entered: 08/17/2004)
08/16/2004	228	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from David A. Schulz dated 2/26/04 re: I am writing on behalf of several media organizations that have been reporting on the trial of Martha Stewart and Peter Bacanovic. This letter is to follow-up on the telephone call I placed to Chambers last night in an effort to ensure that the charging conference on Friday will be open to the public, and to request guidance from the Court on the procedures that will be followed to permit press access to jurors and juror information after the jury is discharged. (jw, ) (Entered: 08/17/2004)
08/16/2004	229	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated February 10, 2004 re: By way of this letter, we provide notice to the Court of our intention, to introduce extrinsic evidence of prior inconsistent statements of Doulgas Faneuil. (jw, ) (Entered: 08/17/2004)
08/16/2004	230	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/10/04 re: The Government respectfully submits this letter briefly explaining the purposes for which the designated portions of Peter Bacanovic's SEC testimony will be offered in the Government's case-in-chief. (jw, ) (Entered: 08/17/2004)
08/16/2004	231	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/11/04 re: Respectfully submit and attach hereto our narrowed and more specific designations from Peter Bacanovic's SEC testimony on February 13, 2002. We believe that our requests should be allowed for purposes of completeness of the testimony offered and to avoid misleading the jury. (jw, ) (Entered: 08/17/2004)
08/16/2004	232	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/11/04 re: The Government respectfully submits this letter on two issues concerning the ongoing testimony of Helene Glotzer. The Government respectfully requests that the Court instruct Ms. Glotzer outside the presence of the jury that she is not to mention insider trading unless it is necessary to do so to provide a truthful answer to questions posed to her on cross examination. (jw, ) (Entered: 08/17/2004)
08/16/2004	233	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated February 11, 2004 re: Respectfully submit this letter to address the three issues concerning the impeachment of Helene Glotzer that arose during the beginning of Ms. Glotzer's cross-examination. We respectfully submit that the ability fully to cross examine Ms. Glotzer about this point is crucial to Mr. Bacanovic's ability to defend against this element of the charge against him. (jw, ) (Entered: 08/17/2004)
08/16/2004	234	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/12/04 re: The Government respectfully submits this letter in regard to today's conference call concerning Ms. Stewart's motion to preclude securities analyst and investor testimony on the materiality of Ms. Stewart's 1992 statements. (jw, ) (Entered: 08/17/2004)
08/16/2004	235	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/12/04 re: Ms. Seymour's letter of this afternoon states that the Government will not offer analyst reports, call securities analysts, or call individual investors in an attempt to prove that the Statements alleged in Count Nine of the Indictment are material. Ms. Stewart had previously moved to bar the Government from calling securities analysts or individual investors in this regard. (jw, ) (Entered: 08/17/2004)
08/16/2004	236	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/12/04 re: The Government respectfully submits this letter in regard to Ms. Stewart's letter of earlier today stating that she reserve the right to call Dr. Mukesh Bajaj as an expert witness. (jw, ) (Entered: 08/17/2004)



08/16/2004	237	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/13/04 re: The Government respectfully submits this letter to provide notice to the Court that it intends to call Zeva Bellel, Nathan Cooper, Phyllis Thompson-Reid, and Eden Werring as witnesses to Douglas Faneuil's prior consistent statements regarding the events of December 27, 2001 and the ensuing cover-up. (jw, ) (Entered: 08/17/2004)
08/16/2004	238	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/14/04 re: The Government respectfully submits this letter to address the admissibility of Government Exhibit 313 - an email from Martha Stewart to her friend Jean Pigozzi sent on January 13, 2002. There is no basis for withholding it from the jury. For the foregoing reasons, the Court should not preclude Government Exhibit 313 from the jury's consideration. (jw, ) (Entered: 08/17/2004)
08/16/2004	239	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/16/04 re: Ms. Stewart respectfully submits this letter in response to the Government's letter of 2/12/04, which - under the guise of claiming that Ms. Stewart's previous expert disclosure was inadequate - would now introduce a new expert into this case with no notice whatsoever (jw, ) (Entered: 08/17/2004)
08/16/2004	240	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/16/04 re: On behalf of Peter Bacanovic, we respectfully submit this response to the government's letter of Friday afternoon, 2/13/04, concerning the government's desire to call four new witnesses to testify as to hearsay statements purportedly made to each of them by Mr. Faneuil. We strongly oppose the government's application, and request a conference with the Court at the earliest available time - today, Monday, if possible. (jw, ) (Entered: 08/17/2004)
08/16/2004	241	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/16/04 re: The Government respectfully submits this reply to Mr. Bacanovic's letter opposing the testimony of four witnesses to whom Douglas Faneuil made prior consistent statements. The Government briefly addresses each of Mr. Bacanovic's arguments in turn. (jw, ) (Entered: 08/17/2004)
08/16/2004	242	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/16/04 re: On behalf of Peter Bacanovic, we respectfully submit this brief reply to the government's letter of this afternoon concerning its desire to bolster Mr. Faneuil's credibility through the testimony of four new witnesses regarding purported "prior consistent statements." (jw, ) (Entered: 08/17/2004)
08/16/2004	243	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/16/04 re: We write to respond to the Government's February 14, 2004 letter in which it reargues that Government Exhibit 313, an email from Martha Stewart to a friend, should be introduced into evidence. Accordingly, for the reasons set forth below, we respectfully submit that the email marked as Government Exhibit 313 is irrelevant and is therefore inadmissible pursuant to Federal Rule of Evidence 401; and that even if the Court finds the email to be of slight relevance, the email should not be admitted pursuant to Federal Rule of Evidence 403; as the minor probative value of the document is far outweighed by the danger of unfair prejudice to the defendants. (jw, ) (Entered: 08/17/2004)
08/16/2004	244	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/18/04 re: On behalf of Peter Bacanovic, we renew our prior motions for a mistrial based on the admission into evidence of substantial - indeed overwhelming - information, including 57 newspaper articles and 82 pages of testimony concerning ImClone-related events in June 2002. Furthermore, all of the evidence is relevant only to Count Nine of the Indictment, a Count in which Mr. Bacanovic is not charged. (jw, ) (Entered: 08/17/2004)
08/16/2004	245	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/22/04 re: We respectfully request that Your Honor rule on our application to call him as a witness as soon as possible, so that we may inform him about travel arrangements should he be permitted to testify. (jw, ) (Entered: 08/17/2004)
08/16/2004	246	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/22/04 re: Ms. Stewart respectfully renews her application to strike Mariana Pasternak's testimony. If your Honor denies the motion and permits this testimony to remain in the record, Ms. Stewart moves to preclude the Government from making any reference to this testimony, or, in the alternative, from arguing expressly or implicitly that this testimony relates to anything to do with ImClone, Dr. Waksal, or Mr. Bacanovic. (jw, ) (Entered: 08/17/2004)
08/16/2004	247	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from John J. Tigue, Jr. dated 2/21/04 re: We further submit for the Court's review a February 5, 2002 e-mail from Mr. Pearl to Mr. Savarese. This e-mail was apparently written and sent contemporaneously with the creation of the Memo. It is our view that this e-mail is also protected by the atty work product doctrine and we submit that the Government is not entitled to its production because of its privileged status. We are providing a copy of this letter, without enclosures, to both the Government and Mr. Strassberg. We await the Court's direction. (jw, ) (Entered: 08/17/2004)
08/16/2004	248	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/23/04 re: The Government respectfully submits this reply to Ms. Stewart's letter seeking to permit Steven Pearl, Esq., to read into the record, as past recollection recorded, two lines from a total of 28 pages, including 18 pages of notes that he took during the February 4, 2002 interview and 10 pages of an interview memorandum that he later created based on the Notes and his recollections and to prevent the Government from reviewing the 28 pages of Mr. Pearl's Notes and Memo. (jw, ) (Entered: 08/17/2004)
08/16/2004	249	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/24/04 re: We respectfully write to request the Court's guidance concerning the following evidentiary issues bearing on the remaining direct examination of Heidi DeLuca (jw, ) (Entered: 08/17/2004)

08/16/2004	250	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/26/04 re: In keeping with our January 30, 2004 letter stating we expected to supplement our Requests to Charge throughout trial, we submit Request 23A for the Court's consideration. (jw, ) (Entered: 08/17/2004)
08/16/2004	251	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/27/04 re: The Government respectfully submits this letter addressing certain issues raised by the Court with respect to some of the false statement specifications in the Superseding Indictment. (jw, ) (Entered: 08/17/2004)
08/16/2004	252	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/27/04 re: We respectfully write to formalize the motion we made orally at this afternoon's charge conference for judgment of acquittal on specifications two and four of the perjury count for failure to comply with the so-called "two witness rule." (jw, ) (Entered: 08/17/2004)
08/16/2004	253	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/28/04 re: We respectfully submit this renewed application for a judgment of acquittal on specification two of count two, the specification that on its face appears to charge Mr. Bacanovic with a violation of 18 USC 1001 for having possibly misused a pronoun. We renew our Rule 29 application as to this specification because the government's material omissions theory cannot be sustained as a matter of law. (jw, ) (Entered: 08/17/2004)
08/16/2004	254	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/28/04 re: The Government's respectfully submits this letter concerning the concealment aspects of the specification charged in Counts Two, Three and Four of the Superseding Indictment. The Government will submit a brief reply to Mr. Bacanovic's request for a judgment of acquittal with respect to Specification Two of Count Two under separate cover. (jw, ) (Entered: 08/17/2004)
08/16/2004	255	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert Morvillo dated 2/28/04 re: Because the Court has entered a judgment of acquittal on Count Nine of the Superseding Indictment, numerous exhibits and portions of testimony received in evidence during the trial are no longer relevant to any issue in dispute. Accordingly, Ms. Stewart respectfully moves to strike the following from the record. They are not relevant, they are not inconsistent with April 10, and they should not be mentioned in closing argument. (jw, ) (Entered: 08/17/2004)
08/16/2004	256	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Robert G. Morvillo dated 2/29/04 re: Respectfully submit this letter demonstrating why, in this case, a concealment charge under Section 1001(a)(1) would be entirely inappropriate. The Government would invite the jury to speculate on the precise questions Ms. Stewart was asked. But as the Court held in dismissing Count Nine and has consistently held throughout this trial, that type of speculation is impermissible. (jw, ) (Entered: 08/17/2004)
08/16/2004	257	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 2/29/04 re: We respectfully submit this application to preclude the government from using or referncing BAC Ex. 903 in its closing arguments; and suggesting during its closings, either directly or indirectly, that Mr. Bacanovic, his attys, or anyone else altered the original of BAC Ex. 903 (a document that has been separately introduced into evidence as Gov't Ex. 502) by removing a date from the document. (jw, ) (Entered: 08/17/2004)
08/16/2004	258	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/29/04 re: The Government respectfully submits this reply to Ms. Stewart's motion to strike certain evidence relating to Count Nine of the Superseding Indictment. (jw, ) (Entered: 08/17/2004)
08/16/2004	259	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/29/04 re: The Government respectfully submits this brief reply to Mr. Bacanovic's letter requesting a judgment of acquittal as to Specification Two of Count Two of the Superseding Indictment. The Government responds to Mr. Bacanovic's second contention below. (jw, ) (Entered: 08/17/2004)
08/16/2004	260	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael A. Schachter and William A. Burck dated 2/29/04 re: The Government respectfully submits this brief follow-up to its letter of earlier today on the admissibility of Ms. Stewart's June 2002 statements, and its February 28, 2004 letter in which it set forth certain concealment aspects of Counts Two, Three and Four for purposes of 18 USC 1001, and identified evidence in the record concerning the questions that were asked of the defendants and their responses. (jw, ) (Entered: 08/17/2004)
08/16/2004	261	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 3/1/04 re: The Government respectfully submits this reply to Mr. Bacanovic's motion for acquittal on Specifications Two and Four of Count Six of the Superseding Indictment. The Government continues to oppose the motion. (jw, ) (Entered: 08/18/2004)
08/16/2004	262	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg and David J. Apfel dated 3/4/04 re: We respectfully submit this letter to address the jury's question concerning the two-witness rule. We respectfully submit that it would be reversible error to answer the jury's question in the affirmative. (jw, ) (Entered: 08/18/2004)
08/16/2004	263	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 3/5/04 re: The Government respectfully submits this letter in respect to yesterday's jury note requesting guidance on whether Anne Armstrong's testimony and the phone log recording the message left by Peter Bacanovic on December 27, 2001 (GX 130) would satisfy the two-witness rule for perjury. For the reasons set forth below, this evidence satisfies the two-witness rule as the rule has been articulated and applied by the Second Circuit. (jw, ) (Entered: 08/18/2004)
08/16/2004	265	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Richard M. Strassberg, David J. Apfel and Cheryl Brunetti dated 3/3/04 re: Mr. Bacanovic's Proposed Supplemental Jury Instruction (jw, ) (Entered: 08/18/2004)

08/18/2004	267	Supplemental ROA Sent to USCA (Index). Notice that the Supplemental Index to the record on Appeal as to Martha Stewart re: 179 Notice of Appeal - Final Judgment USCA Case Number 04-3953-cr, 3 Copies of the index, Certified Supplemental Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp, ) (Entered: 08/18/2004)
09/21/2004	269	AMENDED JUDGMENT IN A CRIMINAL CASE (Defendant's request to serve sentence without stay pending appeal) as to Martha Stewart (1), Count(s) 1, 3-4, 8, 9, Originally Indictment are dismissed on the motion of the US; Found guilty to Count(s) 1s, 3s-4s, 8s, Imprisonment for a total term of 5 Months on counts 1,3,4,8 to run concurrently. The Bureau of Prisons shall expedite the designation of the institution for incarceration. Supervised Release for a term of 2 Years with the special condition of 5 Months of Home Confinement with Electronic Monitoring on counts 1,3,4,8 to run concurrently. The place of Home Confinement shall be a single residential building on defendant's property in Bedford, NY. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2pm on October 8, 2004. The Court makes the following recommendations to the Bureau of Prisons: It is recommended that the defendant be designated to the Federal Prison Camp in Danbury, Connecticut or in Coleman, Florida. Special Assessment of \$400 which is due immediately. Fine of \$30,000.00 which is due immediately. (Signed by Judge Miriam Goldman Cedarbaum on 9/21/04)(jw, ) (Entered: 09/22/2004)
09/21/2004		Judgment entered in money judgment book as #04,1749 as to Martha Stewart in the amount of \$ 30,400.00, re: 269 Amended Judgment. (ja, ) (Entered: 09/29/2004)
10/01/2004		Payment of Fine from Martha Stewart in the amount of \$30,400.00. Date Received: 10/1/04. (mn, ) (Entered: 10/01/2004)
10/12/2004	280	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney Robert G. Morvillo dated 2/22/04 re: supplementing our submission on the Requests to Charge as we suggested we would in our 1/30/04 submission. (ph, ) (Entered: 10/19/2004)
10/12/2004	281	Letter by Martha Stewart, Peter Bacanovic addressed to Judge Cedarbaum from Attorney Gregory Morvillo dated 2/25/04 re: providing the Court with new copies of Defendant's Requests to Charge, Request #18. (ph, ) (Entered: 10/19/2004)
10/15/2004	277	Letter by USA as to Martha Stewart, Peter Bacanovic addressed to Mr. Dellinger from Karen Patton Seymour, Michael S. Schachter and William A. Burck dated 10/13/04 re: This responds to your letter of October 7, 2004 to David N. Kelley. Your letters betrays a basic lack of familiarity with the trial record in this case. As always, the Government recognizes its obligations under Brady, and will provide any such material if it comes to light. (jw, ) (Entered: 10/18/2004)
10/15/2004	278	Letter by Martha Stewart addressed to Mr. Kelley from Walter Dellinger, Martin G. Weinberg and David Z. Chesnoff dated 10/7/04 re: We represent Martha Stewart on appeal. Although the District Court found that Ms. Stewart's appeal raises a substantial question" of law, 18 USC 3143(b)(1)(A), and therefore granted her motion for release pending appeal, Ms. Stewart has decided that it is in the best interests of the company for her to begin serving her sentence now, while her appeal is still pending. (jw, ) (Entered: 10/18/2004)
10/15/2004	279	ORDER as to Martha Stewart, Peter Bacanovic. On October 7, 2004, I received a copy of a letter addressed to David N. Kelley, United States Attorney for the Southern District of New York, from Martha Stewart's attorney, Walter Dellinger. In that letter, Mr. Dellinger made an incorrect statement regarding the ground on which I granted Stewart bail pending appeal. Mr. Dellinger stated: "District Court found that Ms. Stewart's appeal raises a 'substantial question' of law..." The minutes of Stewart's sentencing proceeding show that in response to Stewart's request for bail pending appeal pursuant to 18 U.S.C. section 3143(b), I stated: "In view of the turmoil resulting from the Supreme Court's decision in Blakely v. Washington, as evidenced by the Second Circuit's certification of questions to the Supreme Court regarding the validity of the federal sentencing guidelines, I grant your application for a stay of sentence pending appeal." I did not find any "substantial question of law or fact likely to result in (i) reversal, (ii) an order for a new trial, [r] (iii) a sentence that does not include a term of imprisonment..." 18 U.S.C. section 3143(b)(1)(B). Mr. Dellinger is directed to send and file a letter to the United States Attorney correcting his statement on this point. (Signed by Judge Miriam Goldman Cedarbaum on 10/14/04)(ph, ) (Entered: 10/19/2004)
10/25/2004	282	Letter as to Martha Stewart, addressed to Mr. Kelley, USA, SDNY, from Walter Dellinger, Atty, O'Melveny & Myers LLP, dated 10/15/04, re: my ltr of 10/7/04, I stated: "[T]he District Court found that Ms. Stewart's appeal raises a 'substantial question' of law,..." (ja, ) (Entered: 10/27/2004)
01/07/2005		Payment of Fine from Martha Stewart in the amount of \$104.26. Date Received: 1/7/05. (mn, ) (Entered: 01/07/2005)
01/21/2005	284	SATISFACTION OF JUDGMENT as to Martha Stewart re: 177 Judgment, for the fine in the amount of \$30,000.00 and the special assessment in the amount of \$400.00, amounting in all to the sum of \$30,400.00. Judgment entered in the Judgment Book of the U.S.D.C. for the S.D.N.Y. on the 21st day of July, 2004. (bw, ) (Entered: 02/07/2005)
03/01/2005		Appeal Record Sent to USCA (File). Indexed record on Appeal as to Martha Stewart, Peter Bacanovic re: 179 Notice of Appeal - Final Judgment, 88 Notice of Appeal - Interlocutory,, 180 Notice of Appeal - Final Judgment were transmitted to the U.S. Court of Appeals to the attention of Vincenza Mathias. (tp, ) (Entered: 03/01/2005)
03/10/2005	285	TRANSCRIPT of Proceedings as to Martha Stewart held on 2/7/2005 before Judge John E. Sprizzo. (kj, ) (Entered: 03/10/2005)
03/18/2005	286	TRANSCRIPT of Proceedings as to Martha Stewart held on 2/7/2005 before Judge John E. Sprizzo. (kj, ) (Entered: 03/18/2005)
03/22/2005	287	ORDER of USCA (Certified Copy) as to Martha Stewart, Peter Bacanovic; USCA Case Numbers 04-3953-cr(L), 04-4081-cr(Con). It is ORDERED that the sentencing portion of deft Stewart's judgment of conviction be REMANDED to the district court for proceedings consistent with U.S. v. Crosby, 397 F.3d 103 (2d Cir. 2005) and that a partial mandate issue forthwith restoring the jurisdiction of the district court to act in accordance with this Order. This pretrial remand does not relinquish the jurisdiction of this Court to proceed with the consideration of all pending issues concerning challenges to the validity of Stewart's conviction. See Fed. R. App. P. 41(b); U.S. v. Jacobson, 15 F.3d 19, 22 (2d Cir. 1994); see also Carter v. U.S., 333 F.3d 791 (7th Cir. 2003); Dempsey v. U.S., 32 F.3d 1490, 1498 (11th Cir. 1994)(Carnes, J., concurring). Upon the district court's notification to this Court either that it has

		decided not to modify Stewart's sentence or that it has decided to modify Stewart's sentence and has resented her, the jurisdiction of this Court with respect to Stewart's sentence will be restored, without the need for the filing of a new notice of appeal. Roseann B. MacKechnie, Clerk USCA. Certified: 3/18/05. (bw, ) (Entered: 03/28/2005)
03/24/2005	288	MEMORANDUM SUBMITTED ON BEHALF OF MARTHA STEWART RELATIVE TO 2ND. CIRCUIT REMAND AND REQUEST FOR RESENTENCING IN LIGHT OF BOOKER & CROSBY (EXH. A,B,C,D attached) by Martha Stewart. (pr, ) (Entered: 03/30/2005)
03/25/2005	289	Letter by Martha Stewart addressed to Judge Cedarbaum from Attorney Walter E. Dellinger dated 3/17/05 re: submitted to request 10 days from the date of the Second Circuit's order to make a submission to the Court regarding modifications to the terms of Ms. Stewart's home confinement. {*** Accepted for filing by Judge Cedarbaum on 3/25/05 ***} (bw, ) (Entered: 04/08/2005)
04/08/2005	290	Letter by USA as to Martha Stewart addressed to Judge Cedarbaum from Michael S. Schachter dated 4/1/05 re: The Government respectfully submits this letter in response to defendant Martha Stewart's request for resentencing in light of US v. Booker. Stewart has failed to set forth any facts which would have been sufficient to persuade this Court to have imposed a materially different sentence if at the time of sentencing the Guidelines had been advisory. Accordingly, Stewart's request for resentencing should be denied. (jw, ) (Entered: 04/08/2005)
04/08/2005	291	Letter by Martha Stewart addressed to Judge Cedarbaum from Walter E. Dellinger, Martin G. Weinberg and David Z. Chesnoff dated 4/4/05 re: We respectfully submit this letter in response to the Government's letter-brief opposing Ms. Stewart's motion for resentencing. Ms. Stewart's failure to anticipate fully the time involved in her new activities - or the fact that the 48 hours away from home she is currently permitted includes travel time - should not be a basis for denying reasonable relief that supports the objectives of federal sentencing law. (jw, ) (Entered: 04/08/2005)
04/11/2005	292	MEMORANDUM & OPINION # 91477 as to Martha Stewart; for the reasons set forth on this Opinion, Deft Stewart's requests for resentencing and/or modifications of the conditions of home detention and the term of supervised release are denied. (Signed by Judge Miriam Goldman Cedarbaum on 4/11/2005)(jp, ) (Entered: 04/18/2005)
02/01/2006	294	MANDATE of USCA (certified copy) as to Martha Stewart, Peter Bacanovic re: 180 Notice of Appeal - Final Judgment, 179 Notice of Appeal - Final Judgment. USCA Case Number 04-3953(L)-cr, 04-4081(Con)-cr. On consideration whereof, it is hereby Ordered, Adjudged and Decreed that the judgments of conviction of said District Court be and they hereby are AFFIRMED, except that the case is REMANDED solely for consideration of whether to modify Bacanovic's sentence in accordance with the opinion of this Court.... Conclusion of Opinion: We have considered Defendants' remaining arguments and find them to be without merit. For the reasons set forth above, we affirm the judgments of conviction of Stewart and Bacanovic, but remand the case to the District Court to consider whether to modify the sentence imposed upon Bacanovic in accordance with Booker and Crosby. Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 1/27/06. (bw, ) (Entered: 02/03/2006)
02/01/2006		Transmission of USCA Mandate/Order to the District Judge (Cedarbaum, J.) on 2/3/06 re: 294 USCA Mandate - Final Judgment Appeal. (bw, ) (Entered: 02/03/2006)
02/22/2006		Appeal Record Returned. Indexed record on Appeal Files as to Martha Stewart, Peter Bacanovic re: 180 Notice of Appeal - Final Judgment, 179 Notice of Appeal - Final Judgment USCA Case Number 04-3953-cr, returned from the U.S. Court of Appeals. (nd, ) (Entered: 02/24/2006)
03/18/2010	<a href="#">299</a>	ORDER as to Martha Stewart, Peter Bacanovic. A prisoner named Jonathan Lee Riches has filed a motion for return of property to a defendant in United States of America v. Martha Stewart and Peter Bacanovic, a case in which the movant was not a party. Individual litigants may represent themselves in court without a lawyer. This is called appearing pro se, which means for oneself. Persons who are not lawyers are not permitted to represent another person in court. Accordingly, the motion is denied. SO ORDERED. (Signed by Judge Miriam Goldman Cedarbaum on 3/16/2010)(bw) (Entered: 03/18/2010)
04/02/2010	<a href="#">300</a>	NOTICE OF APPEAL by Jonathan Lee Riches as to Martha Stewart, Peter Bacanovic from <a href="#">299</a> Order. Document sent to attorney(s) of record: A.U.S.A. and the Court Reporters. (tp) (Entered: 04/12/2010)
04/02/2010		Appeal Remark as to Martha Stewart, Peter Bacanovic re: <a href="#">300</a> Notice of Appeal. \$455.00 APPEAL FEE DUE.(tp) (Entered: 04/12/2010)
04/12/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Martha Stewart, Peter Bacanovic to US Court of Appeals re: <a href="#">300</a> Notice of Appeal.(tp) (Entered: 04/12/2010)
09/22/2010	<a href="#">301</a>	MANDATE of USCA (certified copy) as to Martha Stewart, Peter Bacanovic re: <a href="#">300</a> Notice of Appeal - Final Judgment by Jonathan Lee Riches USCA Case Number 10-1397. Appellant, pro se, moves for a leave to proceed in forma pauperis or an extension of time to pay the filing fee, appointment of counsel, "correction of clerical error[s]," and a change of venue. Upon due consideration, it is hereby ORDERED that motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit, Clerk USCA. Issued As Mandate: 09/22/2010. (nd) (Entered: 09/22/2010)
09/22/2010		Transmission of USCA Mandate/Order to the District Judge re: <a href="#">301</a> USCA Mandate. (nd) (Entered: 09/22/2010)