

APPEAL,CLOSED

US District Court Electronic Case Filing System
District of Utah (Central)
CRIMINAL DOCKET FOR CASE #: 2:16-cr-00403-DS All Defendants

Case title: USA v. Kemp & Associates et al

Date Filed: 08/17/2016

Date Terminated: 08/28/2017

Assigned to: Judge David Sam

Appeals court case number: 17-4148 Tenth

Defendant (1)**Kemp & Associates***TERMINATED: 08/28/2017*represented by **Devin M. Cain**MORVILLO ABRAMOWITZ GRAND IASON &
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Pending Counts

15:1 ANTITRUST VIOLATIONS/Antitrust
(1)

Disposition

Dismissed as barred by the statute of limitations.

Highest Offense Level (Opening)

Felony

Disposition**Terminated Counts**

None

Highest Offense Level (Terminated)

None

Disposition**Complaints**

None

Assigned to: Judge David Sam

Appeals court case number: 17-4148 Tenth

Defendant (2)

Daniel J. Mannix

TERMINATED: 08/28/2017

represented by **Devin M. Cain**

(See above for address)

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ATTORNEY TO BE NOTICED

Designation: Retained

Jason D. Boren

(See above for address)

LEAD ATTORNEY

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Mark R. Gaylord

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Pending Counts

15:1 ANTITRUST VIOLATIONS/Antitrust
 (1)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Dismissed as barred by the statute of limitations.

Disposition

Disposition

Movant

Richard Blake

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Date Filed	#	Docket Text
08/17/2016	1	INDICTMENT as to Kemp & Associates (1) count(s) 1; Daniel J. Mannix (2) count(s) 1. Assigned to Judge David Sam. (eat) (Entered: 08/17/2016)
08/17/2016	2	**SEALED DOCUMENT** Summons Issued in case as to Kemp & Associates, Daniel J. Mannix. Initial Appearance set for 9/21/2016 at 11:00 AM in Rm 8.400 before Magistrate Judge Brooke C. Wells. (eat) (Entered: 08/17/2016)
08/17/2016	3	NOTICE OF REQUIREMENTS for appearance phv mailed to attorneys Robert M. Jacobs, Ruben Martinez Jr., and Molly A. Kelley for USA. (eat) (Entered: 08/17/2016)
08/18/2016	4	MOTION for Admission Pro Hac Vice of Molly Anne Kelley (no registration fee required) by USA as to Kemp & Associates, Daniel J. Mannix. (Strain, Jacob) (Entered: 08/18/2016)
08/18/2016	5	MOTION for Admission Pro Hac Vice of Ruben Martinez, Jr. (no registration fee required) by USA as to Kemp & Associates, Daniel J. Mannix. (Strain, Jacob) (Entered: 08/18/2016)
08/18/2016	6	MOTION for Admission Pro Hac Vice of Robert M. Jacobs (no registration fee required) by USA as to Kemp & Associates, Daniel J. Mannix. (Strain, Jacob) (Entered: 08/18/2016)
08/18/2016	7	ENTERED IN ERROR- MOTION for Admission Pro Hac Vice of Kalina M. Tulley (no registration fee required) by USA as to Kemp & Associates, Daniel J. Mannix. (Strain, Jacob) Modified on 8/25/2016 per call to atty's office. Motion was entered in error. Motion will be termed(jmr). (Entered: 08/18/2016)
08/19/2016	8	MOTION for Admission Pro Hac Vice of Kalina M. Tulley (no registration fee required), MOTION to Amend/Correct 7 MOTION for Admission Pro Hac Vice of Kalina M. Tulley (no registration fee required) filed by USA by USA as to Kemp & Associates, Daniel J. Mannix. (Strain, Jacob) (Entered: 08/19/2016)
08/29/2016	9	NOTICE OF ATTORNEY APPEARANCE: Mark R. Gaylord appearing for Kemp & Associates, Daniel J. Mannix (Gaylord, Mark) (Entered: 08/29/2016)
08/29/2016	10	NOTICE OF ATTORNEY APPEARANCE: Jason D. Boren appearing for Kemp & Associates, Daniel J. Mannix (Boren, Jason) (Entered: 08/29/2016)
08/29/2016	11	MOTION for Admission Pro Hac Vice of James A. Mitchell Registration fee \$ 250, receipt number 1088-2583735. filed by Kemp & Associates. (Gaylord, Mark) (Entered: 08/29/2016)
08/29/2016	12	MOTION for Admission Pro Hac Vice of Michael J. Grudberg Registration fee \$ 250, receipt number 1088-2583740. filed by Kemp & Associates. (Gaylord, Mark) (Entered: 08/29/2016)
08/29/2016	13	MOTION for Admission Pro Hac Vice of Miriam L. Glaser Registration fee \$ 250, receipt number 1088-2583746. filed by Daniel J. Mannix. (Gaylord, Mark) (Entered: 08/29/2016)
08/29/2016	14	MOTION for Admission Pro Hac Vice of Richard F. Albert Registration fee \$ 250, receipt number 1088-2583753. filed by Daniel J. Mannix. (Gaylord, Mark) (Entered: 08/29/2016)
08/30/2016	15	ORDER granting 4 Motion for Admission Pro Hac Vice of Attorney Molly Anne Kelley for USA. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Kemp & Associates (1), Daniel J. Mannix (2). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)

08/30/2016	16	ORDER granting 5 Motion for Admission Pro Hac Vice of Attorney Ruben Martinez, Jr for USA. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Kemp & Associates (1), Daniel J. Mannix (2). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)
08/30/2016	17	ORDER granting 6 Motion for Admission Pro Hac Vice of Attorney Robert M. Jacobs for USA. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Kemp & Associates (1), Daniel J. Mannix (2). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)
08/30/2016	18	ORDER granting 8 Motion for Admission Pro Hac Vice of Attorney Kalina M. Tulley for USA. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Kemp & Associates (1), Daniel J. Mannix (2); terminating 8 Motion to Amend/Correct as to Kemp & Associates (1), Daniel J. Mannix (2). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)
08/30/2016	19	ORDER granting 11 Motion for Admission Pro Hac Vice of Attorney James A. Mitchell for Kemp & Associates. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Kemp & Associates (1). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)
08/30/2016	20	ORDER granting 13 Motion for Admission Pro Hac Vice of Attorney Miriam L. Glaser for Daniel J. Mannix. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Daniel J. Mannix (2). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)
08/30/2016	21	ORDER granting 14 Motion for Admission Pro Hac Vice of Attorney Richard F. Albert for Daniel J. Mannix. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Daniel J. Mannix (2). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)
08/30/2016	22	ORDER granting 12 Motion for Admission Pro Hac Vice of Attorney Michael J. Grudberg for Kemp & Associates. Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Kemp & Associates (1). Signed by Judge David Sam on 8/30/16. (jmr) (Entered: 08/30/2016)
09/01/2016	23	**RESTRICTED DOCUMENT** Summons Returned Executed on 9/1/2016 as to Kemp & Associates (blh) (Entered: 09/06/2016)
09/08/2016	24	AMENDED NOTICE OF HEARING as to Kemp & Associates, Daniel J. Mannix (Notice generated by BCW chambers)Initial Appearance/Arrestment reset for 9/23/2016 at 10:00 AM in Rm 8.400 before Magistrate Judge Brooke C. Wells. **PLEASE NOTE TIME AND DATE CHANGE** (ksm) (Entered: 09/08/2016)
09/12/2016	25	**SEALED DOCUMENT** Summons Returned Unexecuted in case as to Daniel J. Mannix. (jmr) (Entered: 09/13/2016)
09/13/2016	26	**SEALED DOCUMENT** Summons Issued in case as to Daniel J. Mannix. Initial Appearance/Arrestment set for 9/23/2016 at 10:00 AM in Rm 8.400 before Magistrate Judge Brooke C. Wells. (blh) (Entered: 09/13/2016)
09/14/2016	27	Plaintiff's MOTION for Alternative Victim Notification under 18 U.S.C. 3771(d)(2) by USA as to Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Exhibit Example Letter)(Tulley, Kalina) (Entered: 09/14/2016)
09/19/2016	28	MEMORANDUM in Opposition by Kemp & Associates re 27 Plaintiff's MOTION for Alternative Victim Notification under 18 U.S.C. 3771(d)(2) (<i>Partial Opposition</i>) (Attachments: # 1 Exhibit 1)(Mitchell, James) (Entered: 09/19/2016)
09/21/2016	29	Stipulated MOTION for Protective Order by USA as to Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Text of Proposed Order)(Tulley, Kalina) (Entered: 09/21/2016)
09/22/2016	30	REPLY TO RESPONSE to Motion by USA as to Kemp & Associates, Daniel J. Mannix re 27 Plaintiff's MOTION for Alternative Victim Notification under 18 U.S.C. 3771(d)(2) (Kelley, Molly) (Entered: 09/22/2016)

09/23/2016	31	<p>Minute Entry for proceedings held before Magistrate Judge Brooke C. Wells. Initial Appearance/Arrestment /Pretrial Conference/Detention as to Kemp & Associates, Daniel J. Mannix held on 9/23/2016. Defendants present on summons with retained cnsl. Charging document, rights and penalties explained. Cnsl waived formal reading of charges and both dfts entered pleas of NOT GUILTY. Pretrial Conference as to Kemp & Associates, Daniel J. Mannix held on 9/23/2016. Dfts moved that a trial date not be set at this time due to complexity of case. Court ordered cnsl to file a formal motion. Court set the following dates: Discovery due by 10/14/2016, Motions due by 11/10/2016, Plea Agreement due by 11/7/2016, Proposed Jury Instructions along with proposed voir dire questions 11/23/2016, Two Week Jury Trial set for 11/28/2016 at 08:30 AM in Rm 1.100 (Clerk's Office) before Judge David Sam. Detention Hearing as to Kemp & Associates, Daniel J. Mannix held on 9/23/2016. Gov is not seeking dtn at this time but moved that dft surrender his passport. Court ordered dft to remain on release with the requirements that he surrender his passport today to the Clerk's Office, that he keep in contact with his cnsl, that he not violate any Federal, State, Local or Tribal laws and that he attend all required hearings.</p> <p>Note: Any future review of detention will remain with the magistrate judge who entered the first detention order, even if an order of referral to a different magistrate judge is entered on this defendant's case.</p> <p>Attorney for Pltf: Kalina M. Tulley, Ruben Martinez, Jr., Jacob J.Strain. Attorney for Dft: James A. Mitchell, Jason D. Boren, Michael J. Grudberg, Miriam L. Glaser, Richard F. Albert. Probation Officer: Lorin Smith. Court Reporter: electronic.(Time Start: 10:15, Time End: 10:30, Room 8.4.) (mlp) (Entered: 09/23/2016)</p>
09/23/2016	32	ORDER GRANTING STIPULATED MOTION FOR PROTECTIVE ORDER-granting 29 Motion for Protective Order as to Kemp & Associates (1), Daniel J. Mannix (2). See Order for details. Signed by Judge David Sam on 9/22/16. (jmr) (Entered: 09/23/2016)
09/23/2016	35	**RESTRICTED DOCUMENT** Summons Returned Executed on 7/23/16 as to Daniel J. Mannix. (jmr) (Entered: 09/29/2016)
09/27/2016	33	First CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY filed by USA as to Kemp & Associates, Daniel J. Mannix. (Jacobs, Robert) (Entered: 09/27/2016)
09/28/2016	34	Stipulated MOTION to Continue <i>Trial Date and Exclude Time from Speedy Trial Act Computation</i> filed by Kemp & Associates, Daniel J. Mannix. (Grudberg, Michael) (Entered: 09/28/2016)
10/12/2016	36	ORDER TO CONTINUE JURY TRIAL- Ends of Justice as to Kemp & Associates, Daniel J. Mannix Time excluded from 9/28/16 11/28/16 until 7/3/17. Motion terminated 34 Stipulated MOTION to Continue <i>Trial Date and Exclude Time from Speedy Trial Act Computation</i> filed by Kemp & Associates, Daniel J. Mannix, Motions terminated as to Kemp & Associates, Daniel J. Mannix: 34 Stipulated MOTION to Continue <i>Trial Date and Exclude Time from Speedy Trial Act Computation</i> filed by Kemp & Associates, Daniel J. Mannix., (Jury Trial re-set for 7/3/2017 at 08:30 AM in Rm 8.300 before Judge David Sam.) Signed by Judge David Sam on 10/12/16.(jmr) Modified on 10/17/2016-Order Excludes Time from September 28, 2016 until July 3, 2017(jmr). (Entered: 10/12/2016)
10/17/2016	37	Second CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY filed by USA as to Kemp & Associates, Daniel J. Mannix. (Jacobs, Robert) (Entered: 10/17/2016)
11/16/2016	38	Third CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY filed by USA as to Kemp & Associates, Daniel J. Mannix. (Jacobs, Robert) (Entered: 11/16/2016)
02/15/2017	59	Fourth CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY filed by USA as to Kemp & Associates, Daniel J. Mannix. (Martinez, Ruben) (Entered: 02/15/2017)
03/01/2017	60	Fifth CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY filed by USA as to Kemp & Associates, Daniel J. Mannix. (Martinez, Ruben) (Entered: 03/01/2017)
03/07/2017	61	Stipulated MOTION <i>Requesting Schedule for Dispositive Pretrial Motions</i> by USA as to Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Text of Proposed Order)(Martinez, Ruben) (Entered: 03/07/2017)
03/10/2017	62	ORDER granting 61 Stipulated MOTION <i>Requesting Schedule for Dispositive Pretrial Motions</i> filed by USA as to Kemp & Associates, Daniel J. Mannix. Dispositive Pretrial Motions due by 3/31/2017. Responses due by 4/28/2017. Replies due by 5/12/2017. Signed by Judge David Sam on 3/9/2017. (blh) (Entered: 03/10/2017)
03/22/2017	63	Sixth CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY filed by USA as to Kemp & Associates, Daniel J. Mannix. (Jacobs, Robert) (Entered: 03/22/2017)

03/29/2017	64	MOTION for Admission Pro Hac Vice of Devin M. Cain Registration fee \$ 250, receipt number 1088-2724017. by Daniel J. Mannix as to Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Exhibit A - Application for Pro Hac Vice, # 2 Exhibit B - Electronic Case Filing Registration Form, # 3 Text of Proposed Order Proposed Order)(Boren, Jason) (Entered: 03/29/2017)
03/30/2017	65	ORDER granting 64 Motion for Admission Pro Hac Vice of Attorney Devin M. Cain for Kemp & Associates,Devin M. Cain for Daniel J. Mannix. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov as to Kemp & Associates (1), Daniel J. Mannix (2). Signed by Judge David Sam on 3/29/17. (jmr)</i> (Entered: 03/30/2017)
03/31/2017	66	NOTICE OF CONVENTIONAL FILING of Defendants' Motion for Order that the Case be Subject to the Rule of Reason and to Dismiss the Indictment and Declaration of Richard F. Albert and Attached Exhibits by Kemp & Associates as to Kemp & Associates, Daniel J. Mannix (Boren, Jason) (Entered: 03/31/2017)
03/31/2017	67	UNSEALED MOTION by Kemp & Associates, Daniel J. Mannix. (jmr) Modified on 1/4/2018-Unsealed per Order 107 (jmr). (Entered: 04/03/2017)
04/28/2017	69	MOTION to Quash <i>Subpoena to Testify at Hearing or Trial in a Criminal Case</i> by American Research Bureau as to Kemp & Associates. (Attachments: # 1 Exhibit A - Subpoena to Testify)(Hathaway, Benson) (Entered: 04/28/2017)
04/28/2017	70	NOTICE OF CONVENTIONAL FILING of Government's Opposition to Defendants' Motion for an Order that the Case Be Subject to the Rule of Reason and to Dismiss the Indictment by USA as to Kemp & Associates, Daniel J. Mannix (Tulley, Kalina) (Entered: 04/28/2017)
04/28/2017	71	UnSealed Entry-Document re 67 SEALED MOTION filed by USA as to Kemp & Associates, Daniel J. Mannix. (jmr) Modified on 1/4/2018-Unsealed per Order 107 (jmr). (Entered: 05/01/2017)
05/01/2017	72	Seventh CERTIFICATE OF COMPLIANCE AND <i>REQUEST FOR RECIPROCAL DISCOVERY</i> filed by USA as to Kemp & Associates, Daniel J. Mannix. (Jacobs, Robert) (Entered: 05/01/2017)
05/02/2017	73	Defendant's MOTION for a Conference and to Set a Schedule filed by Kemp & Associates, Daniel J. Mannix. (Boren, Jason) (Entered: 05/02/2017)
05/10/2017	74	ORDER Setting a Scheduling Conference- as to Kemp & Associates, Daniel J. Mannix, Motions terminated as to Kemp & Associates, Daniel J. Mannix: 73 Defendant's MOTION for a Conference and to Set a Schedule filed by Kemp & Associates, Daniel J. Mannix., (Scheduling Conference set for 5/22/2017 at 10:30 AM in Rm 8.300 before Judge David Sam.) Signed by Judge David Sam on 5/9/17.(jmr) (Entered: 05/10/2017)
05/12/2017	75	NOTICE OF CONVENTIONAL FILING of Defendants' Reply to Motion for an Order that the Case be Subject to the Rule of Reason and to Dismiss the Indictment by Kemp & Associates, Daniel J. Mannix (Boren, Jason) (Entered: 05/12/2017)
05/12/2017	76	UnSealed Entry-Document re 67 SEALED MOTION by Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Exhibit 1)(jmr) Modified on 1/4/2018-Unsealed per Order 107 (jmr). (Entered: 05/12/2017)
05/16/2017	77	NOTICE of Request to Submit Motion to Quash Subpoena to Testify at Hearing or Trial in a Criminal Case by American Research Bureau as to Kemp & Associates re 69 MOTION to Quash <i>Subpoena to Testify at Hearing or Trial in a Criminal Case</i> (Wilson, Analise) (Entered: 05/16/2017)
05/17/2017	78	MEMORANDUM re: 77 Notice (Other), filed by American Research Bureau <i>in Opposition to Request to Submit Motion to Quash</i> filed by Kemp & Associates, Daniel J. Mannix (Attachments: # 1 Exhibit 1 - May 2, 2017 email) (Cain, Devin) (Entered: 05/17/2017)
05/22/2017	79	Minute Entry for proceedings held before Judge David Sam: Scheduling Conference as to Kemp & Associates, Daniel J. Mannix held on 5/22/2017. The Court will hold the Motion to Quash in abeyance until the Motion to Dismiss is heard. The court will set an oral argument date to hear the Motion to Dismiss. Counsel is to get together and come up with a date that works for them. The current trial date set for July 3, 2017 is stricken. Counsel will prepare a proposed order to exclude speedy trial time. Attorney for Plaintiff: Kalina Tulley, Molly Anne Kelley, Ruben Martinez, Attorney for Defendant: Jason Boren, Michael Grudberg, James Mitchell, Devin Cain, Richard Albert. Court Reporter: Ray Fenlon.(Time Start: 10:29, Time End: 10:38, Room 8.300.) (las) (Entered: 05/31/2017)
05/31/2017		Terminate Trial Date of July 3, 2017 as to Kemp & Associates, Daniel J. Mannix. (las) (Entered: 05/31/2017)

06/02/2017	80	Second MOTION for Speedy Trial <i>Exclusion of Time</i> filed by Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Text of Proposed Order)(Cain, Devin) (Entered: 06/02/2017)
06/05/2017	81	First MOTION for Speedy Trial <i>Demand for Speedy Trial</i> by USA as to Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Text of Proposed Order)(Martinez, Ruben) Modified on 6/7/2017-unters per Chambers (DS, CL). (jmr). (Entered: 06/05/2017)
06/06/2017	82	ORDER GRANTING STIPULATED MOTION TO EXCLUDE TIME FROM SPEEDY TRIAL COMPUTATION - Ends of Justice as to Kemp & Associates, Daniel J. Mannix Time excluded from 7/3/17 until 7/21/17. Motion terminated 80 Second MOTION for Speedy Trial <i>Exclusion of Time</i> filed by Kemp & Associates, Daniel J. Mannix, 81 First MOTION for Speedy Trial <i>Demand for Speedy Trial</i> filed by USA, Motions terminated as to Kemp & Associates, Daniel J. Mannix: 80 Second MOTION for Speedy Trial <i>Exclusion of Time</i> filed by Kemp & Associates, Daniel J. Mannix, 81 First MOTION for Speedy Trial <i>Demand for Speedy Trial</i> filed by USA. Oral argument of the defendants' Dispositive Motion shall take place on June 21, 2017, at 10:00 a.m. Signed by Judge David Sam on 6/5/17.(jmr) Modified on 6/7/2017-Motion 81 will remain pending. (jmr). (Entered: 06/07/2017)
06/07/2017		Set/Reset Deadlines re Motion Hearings or Report and Recommendation in case as to Kemp & Associates, Daniel J. Mannix Motion Hearing set for 6/21/2017 at 10:00 AM in Rm 8.300 before Judge David Sam. Per Order 82 . (jmr) (Entered: 06/07/2017)
06/07/2017	83	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Scheduling Conference as to Kemp & Associates, Daniel J. Mannix held on May 22, 2017 before Judge David Sam. Court Reporter/Transcriber Raymond P. Fenlon, Telephone number 801-809-4634. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a <u>Motion to Redact</u> must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/28/2017. Redacted Transcript Deadline set for 7/10/2017. Release of Transcript Restriction set for 9/5/2017. (jmr) Modified on 9/5/2017 by removing restricted text (las). (Entered: 06/07/2017)
06/08/2017	85	MEMORANDUM in Opposition by Kemp & Associates, Daniel J. Mannix re 81 First MOTION for Speedy Trial <i>Demand for Speedy Trial</i> (Attachments: # 1 Exhibit A - Transcript of May 22, 2017 conference)(Cain, Devin) (Entered: 06/08/2017)
06/21/2017	86	Minute Entry for proceedings held before Judge David Sam: Miscellaneous Hearing as to Kemp & Associates held on 6/21/2017. Counsel present for parties. Oral argument heard as to the Defendant's Motion to quash Subpoena and Motion for order that the case be subject to the Rule of Reason, and to Dismiss the Indictment. The Court granted Defendant's motion that the case is subject to the Rules of Reason. The Motion to quash is held in abeyance and the Motion to Dismiss regarding the Statue of Limitations issue is reserved for further disposition pending governments further evaluation of the case. Defendant's counsel is to prepare and submit an order reflecting the courts ruling. Attorney for Plaintiff: Robert M. Jacobs, Molly Anne Kelley, Ruben Martinez, Kalina M., Attorney for Defendant: Jason Boren, Devin M. Cain, Michael J. Grudberg, James A. Mitchell, Retained. Interpreter: Not Needed. Court Reporter: Laura Robinson. (kpf) Modified on 6/22/2017 (kpf). Modified on 6/22/2017 (kpf). (kpf). (Entered: 06/22/2017)
06/22/2017	87	MODIFICATION OF DOCKET as to Kemp & Associates Correction: Attached approved minute entry. re 86 Oral Argument re: Motion Hearing. (kpf) (Entered: 06/22/2017)
06/29/2017	88	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motions Hearing as to Kemp & Associates, Daniel J. Mannix held on June 21, 2017 before Judge David Sam. Court Reporter/Transcriber Laura W. Robinson, RPR, FCRR, CSR, CP, Telephone number 801-328-4800. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a <u>Motion to Redact</u> must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov.

		<p>Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/20/2017. Redacted Transcript Deadline set for 7/31/2017. Release of Transcript Restriction set for 9/27/2017. (jmr) Modified on 9/27/2017 by removing restricted text. (jlw). (Entered: 06/29/2017)</p>
07/14/2017	90	First MOTION for Reconsideration <i>Reconsideration of Oral Ruling, Objection to Defendants' Proposed Order and Request for Ruling on Defendants' Motion to Dismiss</i> by USA as to Kemp & Associates, Daniel J. Mannix. (Martinez, Ruben) (Entered: 07/14/2017)
07/25/2017	91	MEMORANDUM in Opposition by Kemp & Associates, Daniel J. Mannix re 90 First MOTION for Reconsideration <i>Reconsideration of Oral Ruling, Objection to Defendants' Proposed Order and Request for Ruling on Defendants' Motion to Dismiss</i> (Attachments: # 1 Exhibit A - Filed Under Seal)(Boren, Jason) Modified on 1/4/2018 -Unsealed Exhibit A per Order 107 (jmr). (Entered: 07/25/2017)
07/25/2017	92	NOTICE OF CONVENTIONAL FILING of Exhibit A to Defendants' Opposition to Government's Motion for Reconsideration and Objection to Proposed Order by Kemp & Associates, Daniel J. Mannix (Boren, Jason) (Entered: 07/25/2017)
07/25/2017	93	UnSealed Entry-Documents/Sealed Exhibit A to 91 MEMORANDUM in Opposition, by Kemp & Associates, Daniel J. Mannix. (jmr) Modified on 1/4/2018-Unsealed per Order 107 (jmr). (Entered: 07/26/2017)
08/01/2017	94	REPLY TO RESPONSE to Motion by USA as to Kemp & Associates, Daniel J. Mannix re 90 First MOTION for Reconsideration <i>Reconsideration of Oral Ruling, Objection to Defendants' Proposed Order and Request for Ruling on Defendants' Motion to Dismiss</i> (Martinez, Ruben) (Entered: 08/01/2017)
08/04/2017	95	Letter BRIEF re 94 Reply to Response, filed by Kemp & Associates, Daniel J. Mannix (Cain, Devin) (Entered: 08/04/2017)
08/28/2017	96	ORDER ON DEFENSE MOTION REGARDING APPLICATION OF RULE OF REASON- as to Kemp & Associates, Daniel J. Mannix. It is hereby ORDERED that this case is subject to the rule of reason for purposes of determining whether the conduct charged in the Indictment violates the Sherman Act. See Order for details. Signed by Judge David Sam on 8/28/17.(jmr) (Entered: 08/28/2017)
08/28/2017	97	MEMORANDUM DECISION AND ORDER- as to Kemp & Associates, Daniel J. Mannix. For the reasons listed in the Order, the Defendants Motion for Order that the Case be Subject to the Rule of Reason and to Dismiss the Indictment is granted and the case is dismissed as barred by the statute of limitations. Signed by Judge David Sam on 8/28/17.(jmr) (Entered: 08/28/2017)
08/28/2017	98	DISMISSAL OF COUNTS on Motion of Kemp & Associates, Daniel J. Mannix. (jmr) (Entered: 08/29/2017)
09/11/2017	99	MOTION to Release Bond Obligation <i>Return Surrendered Passport</i> filed by Daniel J. Mannix. (Attachments: # 1 Text of Proposed Order)(Cain, Devin) (Entered: 09/11/2017)
09/11/2017	100	ORDER DIRECTING RETURN OF SURRENDERED PASSPORT-granting 99 Motion to Release Bond Obligation as to Daniel J. Mannix (2). It is hereby ORDERED that the Clerk's Office shall release Daniel J. Mannix's passport directly to him or to his counsel. Signed by Judge David Sam on 9/11/17. (jmr) (Entered: 09/11/2017)
09/26/2017	101	NOTICE OF APPEAL by USA as to Kemp & Associates, Daniel J. Mannix re 96 Order, 97 Memorandum Decision,. Appeals to the USCA Tenth Circuit. No Filing Fee. (Martinez, Ruben) (Entered: 09/26/2017)
09/27/2017	102	Transmission of Preliminary Record to USCA as to Kemp & Associates, Daniel J. Mannix re 101 Notice of Appeal - Final Judgment. (Attachments: # 1 Appendix)(jmr) (Entered: 09/27/2017)
09/27/2017	103	USCA Case Number as to Kemp & Associates, Daniel J. Mannix Case Appealed to Tenth Case Number 17-4148 for 101 Notice of Appeal - Final Judgment filed by USA. (jmr) (Entered: 09/27/2017)
11/13/2017	104	TRANSCRIPT REQUEST FORM filed by USA as to Kemp & Associates, Daniel J. Mannix for proceedings held on 05/22/17; 06/21/17 before Judge David Sam, re 101 Notice of Appeal - Final Judgment, 102 Transmission of Preliminary Record to USCA, 103 USCA Case Number (Kelley, Molly) (Entered: 11/13/2017)
11/14/2017	105	Please be advised the Record is complete for purposes of appeal as to Kemp & Associates, Daniel J. Mannix for USCA case number 17-4148 re 101 Notice of Appeal - Final Judgment. (jmr) (Entered: 11/14/2017)

12/20/2017	106	First MOTION to Unseal Document <i>Government's Unopposed Motion to Partially Unseal Pleadings</i> by USA as to Kemp & Associates, Daniel J. Mannix. (Attachments: # 1 Text of Proposed Order)(Martinez, Ruben) (Entered: 12/20/2017)
01/04/2018	107	ORDER granting 106 Motion to Unseal Document 71 Sealed Entry-Document, 76 Sealed Entry-Document, 91 MEMORANDUM in Opposition, 67 SEALED MOTION as to Kemp & Associates (1), Daniel J. Mannix (2). The government is directed to provide the Clerk a copy of the previously filed Declaration of Richard F. Albert, Esq. with attached Exhibits A-G modified to redact the names of uncharged co-conspirators contained in Attachment B to Exhibit E. See Order for further details. Signed by Judge David Sam on 1/3/18. (jmr) (Entered: 01/04/2018)
01/04/2018	108	REDACTION to 68 by USA as to Kemp & Associates, Daniel J. Mannix (Martinez, Ruben) Modified on 1/5/2018 to add what was redacted(jmr). (Entered: 01/04/2018)