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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,)	Case No. 18-CR-00258 EJD
15 Plaintiff,)	STIPULATION REGARDING
16 v.)	SCHEDULE FOR RESTITUTION HEARING AND
17 ELIZABETH HOLMES,)	HEARING ON MOTION FOR RELEASE
18 Defendant.)	PENDING APPEAL AND [PROPOSED] ORDER
19 _____)	

20 **STIPULATION**

21 On November 18, 2022, the Court imposed sentence in this matter. During the hearing, the
22 Court asked that the parties meet and confer regarding a restitution hearing date.

23 On December 5, 2022, the defendant filed a Motion for Release Pending Appeal (ECF No.
24 1676).

25 At the Court’s request, the parties have met and conferred regarding a restitution hearing date
26 and a date for hearing of the Motion for Release Pending Appeal. In consideration of counsel’s, the
27 Court’s, and the defendant’s availability, the parties’ desire to conduct the hearings on the same date so
28 as to promote efficiency, and the government’s need for time to consult with victims or their counsel and

1 to review relevant authorities regarding restitution, particularly in light of the Court’s findings regarding
2 loss for purposes of the Sentencing Guidelines during the sentencing, the parties hereby stipulate to and
3 jointly request that the Court set the following schedule:

- 4 1/19/2023: Government’s opposition to defendant’s Motion for Release Pending Appeal due
- 5 2/3/2023: Government’s brief in advance of restitution hearing due
- 6 2/23/2023: Defendant’s reply in support of her Motion for Release Pending Appeal due
- 7 3/3/2023: Defendant’s brief in advance of restitution hearing due
- 8 3/17/2023: Hearing on defendant’s Motion for Release Pending Appeal and on restitution.

9 The parties recognize that 18 U.S.C. § 3664(d)(5) provides “the court shall set a date for the final
10 determination of the victim’s losses, not to exceed 90 days after sentencing.” 18 U.S.C. § 3664(d)(5).
11 The parties stipulate and agree there is good cause to conduct the restitution hearing on March 17, 2023
12 (more than 90 days after sentencing), and that the Court retains authority to determine and impose
13 restitution at or promptly following the hearing on March 17, 2023. *See Dolan v. United States*, 560
14 U.S. 605, 608, 611 (2010). The defendant consents to holding the restitution hearing on March 17,
15 2023, and waives any objection based on 18 U.S.C. § 3664(d)(5).

16 IT IS SO STIPULATED.

17 DATED: December 30, 2022

Respectfully submitted,

18 STEPHANIE M. HINDS
19 United States Attorney

Robert S. Leach

20 _____
21 ROBERT S. LEACH
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27
28

1 DATED: December 30, 2022

_____/s/_____
KEVIN DOWNEY
AMY MASON SAHARIA
LANCE WADE
KATHERINE TREFZ
Attorneys for Defendant Elizabeth Holmes

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3
4 **[PROPOSED] ORDER**

5 Based upon the stipulation of the parties and the record, and good cause shown, the schedule
6 proposed by the parties above is adopted. The Court finds good cause to hold the hearing on the Motion
7 for Release Pending Appeal and the restitution hearing on March 17, 2023.
8

9 IT IS SO ORDERED.

10 DATED: _____

HON. EDWARD J. DAVILA
United States District Judge