

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Case No.: 2:15-CR-00212
)
 ABIGALE LEE MILLER,)
)
 Defendant.)

FIFTH MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS

AND NOW, comes Defendant, Abigale Lee Miller (“Ms. Miller”), by and through counsel, and files this Fifth Motion for Extension of Time to File Pretrial Motions, stating as follows:

1. On October 13, 2015, the Government filed an Indictment against Ms. Miller charging her with two (2) counts of bankruptcy fraud, five (5) counts of concealment of bankruptcy assets, and 13 counts of making false bankruptcy declarations. *See* Indictment and Indictment Memo., ECF Nos. 1-2.
2. Ms. Miller’s arraignment occurred on November 2, 2015. *See* Arraignment, ECF Nos. 10-12.
3. On December 3, 2015, undersigned counsel met with Assistant United States Attorney Gregory C. Melucci, FBI Special Agent Sean Langford, IRS Special Agent John Klee, and Postal Inspector David Gealey.
4. At said meeting, Special Agent Langford provided undersigned counsel with two (2) discs containing discovery material pursuant to Federal Rule of Criminal Procedure 16, and undersigned counsel has reviewed this material.

5. Additional Rule 16 discovery material also existed at the FBI's Office in Pittsburgh which was not provided at the aforementioned meeting.

6. Undersigned counsel visited the FBI's Office and reviewed and marked for duplication the additional discovery material.

7. On February 29, 2016, the Court granted Ms. Miller's Fourth Motion for Extension of Time to File Pretrial Motions to enable undersigned counsel to review the additional discovery material marked at the FBI's Office which was requested for duplication. *See Order, ECF No. 31.*

8. Undersigned counsel needs additional time to review the discovery material marked for duplication.

9. Undersigned counsel and Assistant U.S. Attorney Melucci have also engaged in a meeting and discussions concerning potential discovery issues, and the parties are attempting to reach an agreement concerning the potential discovery issues.

10. Based on the Court's Order, the deadline to file pretrial motions is currently March 31, 2016.

11. Additional time is needed before undersigned counsel will be able to make informed decisions concerning the filing of pretrial motions.

12. Pursuant to Local Rule of Criminal Procedure 12, Ms. Miller respectfully requests that the Court extend the deadline for the filing of pretrial motions by 60 days.

13. If this Motion is granted, the deadline for the filing of pretrial motions will be Tuesday, May 31, 2016.

14. If this Motion is granted, the extension of the deadline for the filing of pretrial motions by 60 days shall be excludable time as set forth under 18 U.S.C. § 3161(h).

15. Assistant U.S. Attorney Melucci consents to this Motion.

WHEREFORE, Defendant, Abigale Lee Miller, respectfully requests that this Honorable Court grant her Fifth Motion for Extension of Time to File Pretrial Motions and enter the proposed Order attached hereto.

Date: March 30, 2016

Respectfully submitted,

CLARK HILL, PLC

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Attorneys for Defendant, Abigale Lee Miller

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Fifth Motion for Extension of Time to File Pretrial Motions and proposed Order** have been served on all counsel of record this 30th day of March, 2016, by this Court's CM/ECF e-filing notification system.

/s/ Robert J. Ridge _____

Robert J. Ridge, Esquire

Brandon J. Verdream, Esquire

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