

1 LAW OFFICES OF THOMAS M. CONNELLY  
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6 **UNITED STATES DISTRICT COURT**  
 7 **DISTRICT OF ARIZONA**

9	United States of America,	)	<b>No: CR-08-0612-PHX-NVW (EW)</b>
10	Plaintiff,	)	
11	v.	)	<b>DEFENDANT CATHERINE</b>
12	Catherine Zebarth (008), et al.,	)	<b>ZEBARTH'S UNOPPOSED</b>
13	Defendants.	)	<b>MOTION TO DESIGNATE</b>
14	_____	)	<b>CASE AS COMPLEX</b>

15 Defendant, Catherine Zebarth, by and through undersigned counsel, respectfully  
 16 requests this Court, pursuant to Local Criminal Rule 16.4, to designate this matter as  
 17 complex within the meaning of 18 U.S.C. §3161(h)(8)(B)(ii), and to schedule a status  
 18 conference within 21 days pursuant to LRCrim 16.4(a) to determine an appropriate  
 19 schedule for motions, discovery, and other pre-trial case management issues.

20 Undersigned counsel has circulated an e-mail advising other counsel of his intent  
 21 to file this motion. The government through its counsel, Kevin Rapp, does not oppose  
 22 this request. Counsel for codefendants, Irimiciuc (004), Dobos (005), Azadegan (006),  
 23 Ionutescu (007), and Mejia (009) join or concur with Zebarth's (008) request for  
 24 complex designation. George Klink on behalf of Defendant Babeti (002) has no  
 25 objection.

26 Excludable delay under 18 U.S.C. §3161(h)(8)(B)(ii) will occur as a result of this  
 27 motion or an order based thereon.

28 Respectfully submitted this 10th day of July, 2008.

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2 s/ Thomas M. Connelly  
3 Thomas M. Connelly  
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5 Phoenix, Arizona  
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7 Attorney for Defendant Zebarth

8 MEMORANDUM

9 On June 17, 2008, the government obtained an 18-count indictment of nine  
10 defendants. All of the defendants are charged with each of the 18 counts. Counts 1-6  
11 involve allegations of wire fraud in violation of 18 U.S.C. §1343, count 7 alleges the  
12 defendants worked in concert constituting a conspiracy under 18 U.S.C. §1349, counts 8-  
13 17 involve allegations of money laundering in violation of 18 U.S.C. §1957, and count  
14 18 alleges the codefendants conspired to commit money laundering in violation of 18  
15 U.S.C. §1956(h). Also contained in the indictment are allegations of aiding and abetting  
16 and related forfeiture allegations.

17 Seven of the defendants have been arraigned. Two (Daniel Morar and Cosmina  
18 Bunea) remain fugitives at this time. Of the seven arraigned, five have been released  
19 pretrial, and two (Gheorghe Babeti and Brandon Azadegan) have been detained pending  
20 trial. At present, trial is scheduled for November 4, 2008 and pretrial motions are due on  
21 or before October 3, 2008.

22 This case is sufficient "complex" or "unusual" to justify a complex case  
23 designation. This is one of the first cases indicted involving mortgage fraud allegations  
24 since the retraction and near collapse of the home mortgage/loan industry. Defendants  
25 anticipate there will be a substantial volume of discovery in this case. The discovery will  
26 or may include items seized as a result of search warrants, voluminous documentary  
27 evidence related to home loans, financing statements, loan requests, escrow entities,  
28 broker payments, title documents and agencies, "straw buyer" investigations,  
employment or contractual relationships, rental agreements or verifications, remodeling

1 contracts, etc. To date, no discovery has been produced and it appears it may take some  
2 time for complete discovery to be prepared and tendered to all defendants. In addition,  
3 the time to investigate some aspects of the alleged conspiracies will be encumbered by  
4 both the incarceration of two defendants and the fact two remain fugitives at this time.

5 As noted, this case involves complex money laundering and fraud allegations, as  
6 well as two separate conspiracy allegations. The interplay between defendants and their  
7 potential involvement or lack of involvement in relation to the numerous transactions  
8 alleged are not yet known. Moreover, as discovery has yet to be provided, but is  
9 anticipated to be voluminous, counsel does not believe 2.5 months from today will be  
10 sufficient to determine or resolve all necessary issues *vis-a-vis* all defendants and file  
11 necessary or potentially necessary pretrial motions by the current October 3, 2008  
12 deadline. Counsel believes he, and likely the other counsel, will have a better grasp of  
13 the nature and time requirements for this case after further discussions with the  
14 government and each other and will be able to adequately advise the Court of some  
15 consensus on these issues at any status conference schedule by the Court pursuant to  
16 LRCrim 16.4(a).

17 Accordingly, Defendant Zebarth (008), hereby respectfully requests the Court  
18 grant this unopposed motion (joined by various codefenants) and designate this case as  
19 "complex," continue the trial date, and set a status conference within 21 days of the  
20 complex designation to determine a firm schedule for pretrial motions, discovery, and  
21 other case management issues.

22 DATED this 10th day of July, 2008.

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24 *s/ Thomas M. Connelly*  
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27 Phoenix, Arizona  
28 (602) 957-1993  
Attorney for Defendant Zebarth

1 Certificate Of Service

2 I, Thomas M. Connelly, hereby certify on July 10, 2008, a true and correct copy of  
3 the foregoing request for Complex Case designation and proposed Order were  
4 electronically transmitted to the Clerk's Office using the ECF system for filing and  
5 transmittal of a Notice of Electronic Filing to the following ECF registrants in this case:  
6

7 Tom Crowe: tom@crowescott.com, cindy@crowescott.com  
8 *Attorney for Defendant Cipriano Ionutescu (007)*

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14 *Attorney for Defendant Dorel Irimiciuc (004)*

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23 *Attorney for Defendant Christina Mejia (009)*

24 By: s/Thomas J. Marlowe  
25  
26  
27  
28