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**U.S. District Court – Eastern District of Tennessee (Knoxville)**  
**CRIMINAL DOCKET FOR CASE #: 3:08-cr-00142-1**

Case title: USA v. Kernell

Date Filed: 10/07/2008

Date Filed	#	Docket Text
10/07/2008	<u>1</u>	MOTION to Seal Indictment by USA as to David C. Kernell. (RLK) (Entered: 10/07/2008)
10/07/2008	<u>2</u>	ORDER granting <u>1</u> Government's Motion to Seal Indictment as to David C. Kernell. Signed by Magistrate Judge C Clifford Shirley on October 7, 2008. (RLK) (Entered: 10/07/2008)
10/07/2008	<u>3</u>	SEALED INDICTMENT as to David C. Kernell charging count 1. (Attachments: # <u>1</u> CR Coversheet)(RLK) (Entered: 10/07/2008)
10/08/2008		Case unsealed as to David C. Kernell, Attorney update in case as to David C. Kernell. Attorney Wade V Davies for David C. Kernell added. (DCP) (Entered: 10/08/2008)
10/08/2008	<u>4</u>	Minute Entry for proceedings held before Magistrate Judge C Clifford Shirley: Initial Appearance as to David C. Kernell held on 10/8/2008, Arraignment as to David C. Kernell (1) Count 1 held on 10/8/2008, ( Jury Trial set for 12/16/2008 09:00 AM in Courtroom 4 – Knoxville before District Judge Thomas W Phillips., Pretrial Conference set for 12/2/2008 02:00 PM in Courtroom 3B – Knoxville before Magistrate Judge C Clifford Shirley.) (Tape #3B-08-41/42.) (DCP) (Entered: 10/08/2008)
10/08/2008	<u>5</u>	Order to Unseal Case as to David C. Kernell. Signed by Magistrate Judge C Clifford Shirley on 10/8/2008. (DCP) (Entered: 10/08/2008)
10/08/2008	<u>6</u>	ORDER Setting Conditions of Release as to David C. Kernell (1) Personal Recognizance. Signed by Magistrate Judge C Clifford Shirley on 10/8/2008. (DCP) (Entered: 10/08/2008)
10/08/2008	<u>7</u>	ORDER ON DISCOVERY AND SCHEDULING as to David C. Kernell. Jury Trial set for 12/16/08 Before Thomas W. Phillips, United States District Judge; Pretrial Conference set for 12/2/08@ 2:00 p.m. Before C. Clifford Shirley, Jr., United States Magistrate Judge; Motion Cutoff: 11/5/08 – Response to Motions: 11/19/08 – Discovery cutoff: 10/15/08 – Reciprocal discovery: 12/2/08. Signed by Magistrate Judge C Clifford Shirley on 10/8/08. (DCP) (Entered: 10/08/2008)
10/08/2008	<u>8</u>	NOTICE OF PRETRIAL CONFERENCE as to David C. Kernell. Pretrial Conference set for 12/2/08@ 2:00 p.m. Before C. Clifford Shirley, Jr.,United States Magistrate Judge.(DCP) (Entered: 10/08/2008)
10/20/2008	<u>9</u>	Arrest Warrant Returned Executed on October 8, 2008 as to David C. Kernell. (RLK) (Entered: 10/22/2008)
10/27/2008	<u>10</u>	MOTION to Dismiss by David C. Kernell. (Davies, Wade) (Entered: 10/27/2008)
10/27/2008	<u>11</u>	MEMORANDUM in Support of Motion re <u>10</u> MOTION to Dismiss (Davies, Wade) (Entered: 10/27/2008)
10/27/2008	<u>12</u>	MOTION in Limine to Prevent Use of the Term "Hacking" by David C. Kernell. (Attachments: # <u>1</u> Exhibit Treatise Excerpt)(Davies, Wade) (Entered: 10/27/2008)
10/27/2008	<u>13</u>	MOTION for Bill of Particulars by David C. Kernell. (Davies, Wade) (Entered: 10/27/2008)
11/04/2008	<u>14</u>	Joint MOTION to Continue Trial Date And All Corresponding Deadlines by David C. Kernell, USA as to David C. Kernell. (Davies, Wade) (Entered: 11/04/2008)
11/07/2008		NOTICE OF HEARING as to David C. Kernell. Motion Hearing set for 11/14/2008 10:00 AM in Courtroom 3B – Knoxville before Magistrate Judge C Clifford Shirley.

		(DCP) (Entered: 11/09/2008)
11/14/2008	<u>15</u>	Minute Entry for proceedings held before Magistrate Judge C Clifford Shirley: Motion Hearing as to David C. Kernell held on 11/14/2008 re <u>14</u> Joint MOTION to Continue Trial Date And All Corresponding Deadlines filed by David C. Kernell, USA. ( Jury Trial reset for 5/19/2009 09:00 AM in Courtroom 4 – Knoxville before District Judge Thomas W Phillips., Motion Hearing set for 3/9/2009 09:30 AM in Courtroom 3B – Knoxville before Magistrate Judge C Clifford Shirley., Pretrial Conference set for 3/9/2009 09:30 AM in Courtroom 3B – Knoxville before Magistrate Judge C Clifford Shirley.) The parties also agreed that all the time between now and the new trial date are fully excludable under the Speedy Trial Act. The motion deadline for the defendant is reset to January 9/2009; the response deadline for the government is reset to February 13, 2009; Reciprocal Discovery is due by 3/9/2009; the expert governments disclosures are due by 3/9/2009 and the defendants expert disclosures are due by 3/30/09. (Court Reporter Netta Kocuba.) (DCP) (Additional attachment(s) added on 11/19/2008: # <u>1</u> Main Document) (DCP, ). (Entered: 11/14/2008)
11/20/2008	<u>16</u>	MEMORANDUM AND ORDER granting <u>14</u> Joint Motion to Continue as to David C. Kernell (1). The Defendant shall have up to and including January 9, 2009, in which to file motions; The Government shall have up to and including February 13, 2009, in which to respond to such motions; The Government shall have up to and including March 9, 2009, in which to disclose its expert discovery to the Defendant; The Defendant shall have up to and including March 30, 2009, in which to disclose its expert discovery to the Government; The parties shall have up to and including March 9, 2009, in which to disclose other reciprocal discovery; A pretrial conference is reset for March 9, 2009, at 9:30 a.m.; The trial is reset to commence on May 15, 2009, at 9:00 a.m., before the Honorable Thomas Phillips, United States District Judge; and, All time between November 14, 2008, and the new trial date of May 15, 2009, is fully excludable time under the Speedy Trial Act. Signed by Magistrate Judge C Clifford Shirley on 11/20/2008. (DCP) (Entered: 11/20/2008)
11/24/2008	<u>17</u>	AMENDED MEMORANDUM AND ORDER as to David C. Kernell re <u>16</u> Order on Motion to Continue. The Joint Motion to Continue Trial Date and All Corresponding Deadlines [Doc. 14] is GRANTED; The Defendant shall have up to and including January 9, 2009, in which to file motions; The Government shall have up to and including February 13, 2009, in which to respond to such motions; The Government shall have up to and including March 9, 2009, in which to disclose its expert discovery to the Defendant; The Defendant shall have up to and including March 30, 2009, in which to disclose its expert discovery to the Government; The parties shall have up to and including March 9, 2009, in which to disclose other reciprocal discovery; A pretrial conference is reset for March 9, 2009, at 9:30 a.m.; The trial is reset to commence on May 19, 2009, at 9:00 a.m., before the Honorable Thomas Phillips, United States District Judge; and All time between November 14, 2008, and the new trial date of May 19, 2009, is fully excludable time under the Speedy Trial Act for the reasons set forth above. Signed by Magistrate Judge C Clifford Shirley on 11/24/2008. (DCP) (Entered: 11/24/2008)