

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 24-CR-20343-KMW/Goodman

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROGER ALEJANDRO PIÑATE MARTINEZ,  
and JORGE MIGUEL VASQUEZ,

Defendants.

---

**DEFENDANTS' JOINT MOTION TO CONTINUE DEADLINES**

On February 10, 2025, the President issued an Executive Order<sup>1</sup> pausing enforcement of the Foreign Corrupt Practices Act (FCPA), which, in relevant part, ordered the Attorney General to review existing FCPA prosecutions over the course of an 180-day period. In recent days and weeks, judges in other pending FCPA matters have stayed or continued deadlines in those matters, to allow that review to proceed without wasting the resources of courts or litigants.

The Defendants understand that the Department of Justice is presently reviewing this matter, and they are preparing a written submission in connection with that review, although the contours and specifics of that review remain unclear—who within the Department is conducting the review following the removal of the Fraud Section chief last week, based on what criteria and on what timeline. While

---

<sup>1</sup> <https://www.whitehouse.gov/presidential-actions/2025/02/pausing-foreign-corrupt-practices-act-enforcement-to-further-american-economic-and-national-security/>

this matter is not set for trial until October 2025, this Court has set a deadline of March 28, 2025, for dispositive motions (Scheduling Order, Dkt. No. 72). In light of the ongoing review, and the significant resources needed to prepare and file those motions, the Defendants respectfully request that this Court extend this lone deadline (and the deadlines for responses and replies) by 30 days. Mr. Piñate's counsel has conferred with the government on this request, and the government has advised that it will review the Defendants' motion and respond accordingly.

### **BACKGROUND**

Nationwide, there are only four FCPA matters currently in a pretrial posture. In the other three charged cases, the District Judges have, at the request of the government or the defense, delayed trial dates and other deadlines to allow the government to conduct review of these cases pursuant to the Executive Order.<sup>2</sup>

In *United States v. Coburn*, Case No. 19-cr-00120 (D.N.J.), last Tuesday (March 4) – the day prior to trial – the new U.S. Attorney in New Jersey requested a 180-day adjournment of the trial, so that he could conduct a new review of that case. *See* Dkt. No. 956. The District Judge subsequently adjourned the case for 30 days. Dkt. No. 1003.

In *United States v. Hobson*, Case No. 22-cr-00086 (W.D. Pa.), which was set for trial on April 21, 2024, the District Judge stayed the matter entirely, vacating the

---

<sup>2</sup> While all defendants in other cases have executed Speedy Trial Act waivers, no such waiver would be necessary here, as time is already excluded through October 6, 2025.

trial date and all pretrial deadlines. Dkt. No. 102. The District Judge did so over the government's objection and ordered the government to file periodic status reports.

And in this district, in *United States v. Zaglin et al.*, Case No. 23-cr-20454 (S.D. Fla.), Judge Becerra, on the agreement of both parties, continued the April 7, 2024 trial date to April 28, citing the government's compliance with the Executive Order (Dkt. No. 109). Judge Becerra also ordered the government to file status reports as to its review every two weeks. *See, e.g.*, Dkt. No. 114.

### **ARGUMENT**

This is an unusual situation. Nationwide, every other FCPA defendant has had their trial continued, because of the uncertainty created by the President's Executive Order and the government's affirmative statements to Courts that it is conducting a review of those defendants' cases. The government informed defense counsel on Friday that it is conducting a similar review of this case, and the defense will be preparing a written submission to the Department.

Defense counsel are spending the month of March preparing pretrial motions pursuant to Rule 12. These motions require the expenditure of significant resources on the Defendant's behalf, which might better be directed to advocacy before the Department of Justice as to the ongoing case review. Mr. Piñate and Mr. Vasquez should not have to expend resources and proffer potential defenses on a case that may ultimately be dismissed. And the Court should not be required to address motions for a case that may never reach trial. As the District Judge in the *Hobson* case observed at a status conference on March 6 before staying that case in light of the

uncertainty created by the ongoing review process: “But I’ll add, I don’t mean to say unfair, but it taxes resources with regard to defense counsel, the Court itself, for that matter the Department of Justice itself and the U.S. attorneys involved, the court generally.” 3/6/2025 Transcript in *United States v. Hobson*, at p. 19:7-10.

In addition, the next several weeks may inform the Defendants’ strategy. Further clarification of the Executive Order, additional policy developments, and decisions by the Department of Justice may change the Defendants’ approach to dispositive motions. So too is it likely that the government’s approach to enforcement of the FCPA will change during the 180-day period that President Trump has ordered the Attorney General to develop new guidance. Attorney General Bondi, only days before the Executive Order, issued a directive shifting the focus of Foreign Corrupt Practices Act investigations and cases away from those that do not involve criminal operations of cartels and transnational criminal organizations. This is clearly not a case which fits within that framework.

Trial is seven months away. A thirty-day continuance of the motions deadline will not affect that schedule should the government determine that it will continue prosecuting this case. But it will save significant time and resources if the government, consistent with the President’s command, pauses all FCPA enforcement.

The Defendants are not seeking a full stay of this matter. Last week, this Court ordered the parties to work together to take Rule 15 depositions abroad, and the Defendants do not want this process to be interrupted or slowed. The government is similarly continuing to produce discovery in this matter. A brief continuance of the

motions deadline will not prejudice any party and will conserve the parties' and this Court's resources.

Our criminal justice system operates on a "principle of treating similarly situated defendants the same." *Griffith v. Kentucky*, 479 U.S. 314, 323 (1987). There are enough pending FCPA matters in this country to count on one hand, and they have all been, in one form or another, stayed in some instances at the request, or with the acquiescence, of the government. This case should not be treated differently.

### **CONCLUSION**

The Defendants do not seek to delay this matter, and indeed, the parties can continue planning for the recently ordered foreign depositions, exchanging discovery, and otherwise preparing for trial. The parties can also use the next 30 days to discuss the contours of the Attorney General's review and allow for the Defendants to engage in meaningful advocacy in front of the Department of Justice. Given the burden imposed by dispositive motions, a brief, 30-day continuance of the deadlines in this matter will serve the interests of justice.

Respectfully submitted,

COLSON HICKS EIDSON, P.A.  
255 Alhambra Circle, Penthouse  
Coral Gables, Florida 33134  
Tel: (305) 476-7400

By: /s/ Curtis B. Miner  
Curtis B. Miner, Esq.  
(Florida Bar No. 885681)  
E-mail: [curt@colson.com](mailto:curt@colson.com)  
Thomas A. Kroeger, Esq.  
(Florida Bar No. 19303)  
E-mail: [tom@colson.com](mailto:tom@colson.com)

MORGAN, LEWIS & BOCKIUS, LLP  
1111 Pennsylvania Avenue NW  
Washington, DC 20004-2541  
Tel: 202-739-5932  
Sandra L. Moser, Esq. (*pro hac vice*)  
E-mail: [Sandra.moser@morganlewis.com](mailto:Sandra.moser@morganlewis.com)  
Justin D. Weitz, Esq. (*pro hac vice*)  
E-mail: [Justin.weitz@morganlewis.com](mailto:Justin.weitz@morganlewis.com)

*Counsel for Defendant Roger Alejandro  
Piñate Martinez*

FRANK A. RUBINO, ESQUIRE  
550 Biltmore Way, Suite 780  
Coral Gables, FL 33134  
(305)858-5300 telephone  
(305)350-2001 fax  
[Frank@frankrubino.com](mailto:Frank@frankrubino.com)

By: /s/ Frank A. Rubino  
Frank A. Rubino, Esq.

*Counsel for Defendant Jorge Miguel Vasquez*

### **CERTIFICATE OF CONFERRAL**

Pursuant to SDFL Local Rule 88.9(a), counsel for Mr. Piñate has conferred with counsel for the government, and the government has advised that it will review the Defendants' motion and respond accordingly.

By: /s/ Curtis B. Miner  
Curtis B. Miner, Esq.  
(Florida Bar No. 885681)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via electronic filing using the CM/ECF system with the Clerk of Court which sent an e-mail notification of such filing to all CM/ECF participants on March 12, 2025.

/s/ Curtis B. Miner  
Curtis B. Miner, Esq.