

**U.S. District Court
Northern District of Ohio (Cleveland)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00339-DDD-1**

Case title: United States of America v. Lay
Related Case: [1:12-cv-01216-DDD](#)

Date Filed: 06/14/2007
Date Terminated: 07/09/2008

Assigned to: Judge David D. Dowd, Jr
Appeals court case numbers: '08-3892' '6th
Circuit', 13-4021 6th Circuit

Defendant (1)

Mark D. Lay
TERMINATED: 07/09/2008

represented by **Richard M. Kerger**
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Pending Counts

18:80b-6 & 80b-17 Investment Advisory Fraud
(1s)

Disposition

60 Months as to Count 1; All Counts to run
concurrently with each other; 3 Years
Supervised Release; Restitution due in the
amount of \$212,967,084.76; Forfeiture ordered
in the amount of \$590,526.23; Special
Assessment due immediately in the amount of

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18:1349 Conspiracy to Commit or Attempt
Mail Fraud and Wire Fraud
(2s)

\$100.00 as to each of Counts 1-4 for a total of \$400.00.

144 Months as to each of Counts 2, 3 and 4; All Counts to run concurrently with each other; 3 Years Supervised Release; Restitution due in the amount of \$212,967,084.76; Forfeiture ordered in the amount of \$590,526.23; Special Assessment due immediately in the amount of \$100.00 as to each of Counts 1-4 for a total of \$400.00.

18:1341 and 2 Mail Fraud, Aiding and abetting
(3s-4s)

144 Months as to each of Counts 2, 3 and 4; All Counts to run concurrently with each other; 3 Years Supervised Release; Restitution due in the amount of \$212,967,084.76; Forfeiture ordered in the amount of \$590,526.23; Special Assessment due immediately in the amount of \$100.00 as to each of Counts 1-4 for a total of \$400.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

15:80b-6 AND 80B-17 Investment Advisory
Fraud
(1)

Disposition

Superseding Indictment filed 9/7/07

18:1349 Conspiracy to Commit or Attempt
Mail and Wire Fraud
(2)

Superseding Indictment filed 9/7/07.

18:1341 and 2 Mail and Wire Fraud, Aiding and
abetting
(3-4)

Superseding Indictment filed 9/7/07.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

United States of America

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Date Filed	#	Docket Text
06/14/2007	1	Indictment as to Mark D. Lay (1) count(s) 1, 2, 3-4. (Attachments: # 1 Designation Form/Foreperson Signature Page) (S,R) (Entered: 06/15/2007)
06/15/2007		Random Assignment of Magistrate Judge pursuant to Local Criminal Rule 57.9. In the event of a referral, case will be assigned to Magistrate Judge Gallas. (S,R) (Entered: 06/15/2007)
06/18/2007	2	Notice of Hearing as to Mark D. Lay. Arraignment set for 6/22/2007 at 10:30 a.m. in Courtroom 442 before Hon. David D. Dowd Jr. (M,De) (Entered: 06/18/2007)
06/20/2007	3	Notice of Appearance of Attorney Percy Squire appearing for Mark D. Lay (Squire, Percy) (Entered: 06/20/2007)
06/21/2007	4	Notice of Appearance of Attorney Richard M. Kerger appearing for Mark D. Lay (Kerger, Richard) (Entered: 06/21/2007)
06/21/2007	5	Motion to Continue <i>Arraignment</i> by Mark D. Lay. (Kerger, Richard) (Entered: 06/21/2007)
06/21/2007	6	Response by United States of America to Motion to Continue <i>Arraignment</i> 5 as to Mark D. Lay (Bacon, Antoinette) (Entered: 06/21/2007)
06/21/2007		Order [non-document]granting 5 Motion to Continue arraignment as to Mark D. Lay. Arraignment RESET for 7/2/2007 at 12:30 p.m. in Courtroom 442 before Hon. David D. Dowd Jr. Counsel are

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		directed to notify defendant of this appearance. Approved by Judge David D. Dowd Jr. on 6/21/2007. (M,De) (Entered: 06/21/2007)
06/29/2007	7	Motion for inquiry concerning potential conflict of interest by United States of America as to Mark D. Lay. (Pearson, Benita) Modified text on 7/3/07 (L, T). (Entered: 06/29/2007)
07/02/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Benita Pearson for Government and Percy Squire, Andrew Friedman and Richard Kerger for Defendant. Arraignment as to Mark D. Lay as to Counts 1, 2, 3 and 4 held on 7/2/2007 with Pleas of Not Guilty Entered. Jury Trial set for 9/4/2007 at 8:30 a.m.; Motions due by 7/27/2007; and Status Conference set for 8/20/2007 at 12:00 noon in Courtroom 442 before Hon. David D. Dowd Jr. Bond set in the amount of \$50,000.00 Unsecured with conditions. Time: 25 Minutes. (Court Reporter Caroline Mahnke) (M,De) (Entered: 07/02/2007)
07/02/2007	8	Unsecured Bond Entered as to Mark D. Lay in amount of \$50,000.00. (M,De) (Entered: 07/02/2007)
07/02/2007	9	Order Setting Conditions of Release as to Mark D. Lay. Bond set in the amount of \$ 50,000.00 Unsecured with conditions. Signed by Judge David D. Dowd Jr. on 7/2/2007. (M,De) (Entered: 07/02/2007)
07/02/2007		Receipt for Passport of Mark D. Lay received on 7/2/07, Receipt Number 816354 (L,T) (Akron Vault) (Entered: 07/02/2007)
07/03/2007	10	Trial Order as to Mark D. Lay. Trial set for 9/4/2007 at 8:30 a.m.; motions to be filed by 7/28/2007; and status conference set for 8/20/2007 at 12:00 noon. Signed by Judge David D. Dowd Jr. on 7/2/2007. (M,De) (Entered: 07/03/2007)
07/03/2007	11	Motion to Modify Conditions of Release (<i>Pretrial</i>) by Mark D. Lay. (Kerger, Richard) (Entered: 07/03/2007)
07/06/2007	12	Response by United States of America to Motion to Modify Conditions of Release (<i>Pretrial</i>) 11 as to Mark D. Lay (Pearson, Benita) (Entered: 07/06/2007)
07/06/2007	13	Reply to response to Motion to Modify Conditions of Release (<i>Pretrial</i>) 11 as to Mark D. Lay (Kerger, Richard) (Entered: 07/06/2007)
07/06/2007	14	Order denying 11 Motion to Modify Conditions of Release as to Mark D. Lay (1) Signed by Judge David D. Dowd Jr. on 7/6/2007. (D,S) (Entered: 07/06/2007)
07/09/2007	15	Response to Motion for inquiry concerning potential conflict of interest 7 as to Mark D. Lay (Kerger, Richard) Modified text on 7/10/2007 (S, T). (Entered: 07/09/2007)
07/09/2007	16	Reply by United States of America to response to Motion for inquiry concerning potential conflict of interest 7 as to Mark D. Lay (Pearson, Benita) Modified text on 7/10/2007 (S, T). (Entered: 07/09/2007)
07/16/2007	17	Second Motion to Modify Conditions of Release by Mark D. Lay. (Kerger, Richard) (Entered: 07/16/2007)
07/16/2007	18	Order as to Mark D. Lay that if the defendant does object to an in camera hearing, counsel for the defendant are directed to file a brief in opposition by Monday, July 23, 2007. (Related documents 7 ; 15 and 16). Signed by Judge David D. Dowd Jr. on 7/16/2007. (M,De) (Entered: 07/16/2007)
07/16/2007	19	Response by United States of America in opposition to Second Motion to Modify Conditions of Release 17 as to Mark D. Lay (Bacon, Antoinette) (Entered: 07/16/2007)
07/18/2007	20	Order granting 17 Motion to Modify Conditions of Release as to Mark D. Lay (1). Defendant shall be permitted to travel for job duties throughout the state of Pennsylvania. Signed by Judge

		David D. Dowd Jr. on 7/18/2007. (M,De) (Entered: 07/18/2007)
07/19/2007	21	Motion for Bill of Particulars by Mark D. Lay. (Kerger, Richard) (Entered: 07/19/2007)
07/19/2007	22	Motion to Seal <i>Response to Court's Order of July 16, 2007</i> by Mark D. Lay. (Kerger, Richard) (Entered: 07/19/2007)
07/20/2007		Order [non-document] granting 22 Motion to Seal as to Mark D. Lay (1). Approved by Judge David D. Dowd Jr. on 7/20/2007. (D,S) (Entered: 07/20/2007)
07/23/2007	23	Notice of <i>Sixth Circuit Case Law Regarding Ex Parte Communications with Government Counsel</i> as to Mark D. Lay (Pearson, Benita) (Entered: 07/23/2007)
07/23/2007	24	Supplemental brief on government's 7 Motion for inquiry concerning potential conflict of interest filed by Mark D. Lay (G,D) Modified text on 7/24/2007 (S, T). FILED UNDER SEAL #4257 Modified on 7/25/2007 (S, T). (Entered: 07/24/2007)
07/25/2007	25	Motion Government's Request for Permission to File Partial Response to Defendant's Motion for a Bill of Particulars Under Seal by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 07/25/2007)
07/26/2007	26	Response to defendant's supplemental brief on government's motion for inquiry concerning potential conflict of interest as to Mark D. Lay re 24 (Pearson, Benita) Modified text on 7/30/2007 (S, T). (Entered: 07/26/2007)
07/26/2007	27	Reply to response to Motion for inquiry concerning potential conflict of interest 7 as to Mark D. Lay (Kerger, Richard) (Entered: 07/26/2007)
07/27/2007	28	Response by United States of America to Motion for Bill of Particulars 21 as to Mark D. Lay (Pearson, Benita) (Entered: 07/27/2007)
07/27/2007	29	Omnibus Motion in Limine regarding defendant's anticipated irrelevant and inadmissible defenses by United States of America as to Mark D. Lay. (Attachments: # 1 Exhibit Private Placement Memorandum)(Pearson, Benita) Modified text on 7/30/2007 (S, T). (Entered: 07/27/2007)
07/30/2007		Order [non-document] granting 25 Motion as to Mark D. Lay (1) for permission to file a portion of its response to defendant's motion 21 for bill of particulars under seal. Approved by Judge David D. Dowd Jr. on 7/30/2007. (M,De) (Entered: 07/30/2007)
07/30/2007	30	Motion in Limine - <i>Government's Proposed Rule 404(b) Evidence</i> by Mark D. Lay. (Kerger, Richard) (Entered: 07/30/2007)
07/30/2007	31	Motion to Dismiss <i>Indictment</i> by Mark D. Lay. (Attachments: # 1 Exhibit A, MDL Active Furartion Fund Private Placement Memorandum# 2 Exhibit B, United States v. Anderson# 3 Exhibit C, United States v. McAuliffe# 4 Exhibit D, Sept. 23, 1994 Article; July 18, 2007 Article; June 25, 2007 Article)(Squire, Percy) Modified text on 7/31/2007 (S, T). (Entered: 07/30/2007)
07/31/2007	32	Amended Motion to Dismiss <i>Indictment</i> by Mark D. Lay. (Attachments: # 1 Exhibit A, MDL Active Duration Fund PPM# 2 Exhibit B, USA v. Anderson# 3 Exhibit C, USA v. McAuliffe# 4 Exhibit D, September 23, 1994 Article; July 18, 2007 Article; June 25, 2007 Article)(Squire, Percy) (Entered: 07/31/2007)
07/31/2007	33	Order as to Mark D. Lay scheduling status conference for 8/2/2007 at 3:00 p.m. in Courtroom 442 before Hon. David D. Dowd Jr. Defendant as well as Percy Squires to be present. Signed by Judge David D. Dowd Jr. on 7/31/2007. (M,De) (Entered: 07/31/2007)
07/31/2007	34	Order re 7 government's Motion for inquiry concerning potential conflict of interest, directing the parties to cooperate in the preparation of proposed waivers; see order for particulars. Signed by Judge David D. Dowd Jr. on 7/31/2007. (D,S) (Entered: 07/31/2007)

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08/02/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Counsel for Government and Defendant present. Status Conference as to Mark D. Lay held on 8/2/2007. Status conference previously set for 8/20/2007, is canceled. Jury Trial RESET for 10/12/2007 at 8:30 a.m. in Courtroom 442 before Hon. David D. Dowd Jr. Time: 90 Minutes. (Court Reporter Rich DelMonico) (M,De) (Entered: 08/03/2007)
08/03/2007	35	Order (FILED UNDER SEAL #4265) regarding 7 Motion as to Mark D. Lay (1) as to conflict of interest in representation with attached waivers. Signed by Judge David D. Dowd Jr. on 8/3/2007. (M,De) Modified on 8/3/2007 (S, S). (Entered: 08/03/2007)
08/03/2007	36	Order to Continue - Ends of Justice as to Mark D. Lay rescheduling trial to 10/12/2007 at 8:30 a.m. Any objection to this delay should be filed with the Court by 8/13/2007. Signed by Judge David D. Dowd Jr. on 8/3/2007. (M,De) (Entered: 08/03/2007)
08/03/2007	37	Response by United States of America to Motion of Defendant for Bill of Particulars (Related document(s) 21 , 25 , 28). (FILED UNDER SEAL #4264) (S,S) (Entered: 08/13/2007)
08/13/2007	38	Response to Omnibus Motion in Limine 29 as to Mark D. Lay (Kerger, Richard) (Entered: 08/13/2007)
08/13/2007	39	Supplemental Motion to Travel by Mark D. Lay. (Kerger, Richard) (Entered: 08/13/2007)
08/13/2007	40	Response by United States of America in opposition to Amended Motion to Dismiss <i>Indictment</i> 32 as to Mark D. Lay (Attachments: # 1 Exhibit No. 1, Report of President's Working Group# 2 Exhibit No. 2, Regulation and Prosecution of Hedge Funds# 3 Exhibit No. 3, 1960 Amendments to Investment Advisers Act of 1940# 4 Exhibit 4, PPM dated January 15, 2003# 5 Exhibit D, Subscription Agreement# 6 Exhibit No. 5, Article - Hedge Fund Protection... Rule 206)(Pearson, Benita) Modified text on 8/14/2007 (Swonger, Stacey). (Entered: 08/13/2007)
08/13/2007	41	Response by United States of America in opposition to Motion in Limine - <i>Government's Proposed Rule 404(b) Evidence</i> 30 as to Mark D. Lay (Attachments: # 1 Exhibit No. 1, PPM dated January 15, 2003)(Pearson, Benita) Modified text on 8/14/2007 (Swonger, Stacey). (Entered: 08/13/2007)
08/14/2007	42	Response by United States of America to Supplemental Motion to Travel 39 as to Mark D. Lay (Bacon, Antoinette) (Entered: 08/14/2007)
08/14/2007	43	Response in support of Supplemental Motion to Travel 39 as to Mark D. Lay <i>to modify conditions of pretrial release</i> (Kerger, Richard) (Entered: 08/14/2007)
08/15/2007	44	Response by United States of America to Supplemental Motion to Travel 39 as to Mark D. Lay (Attachments: # 1 Exhibit Virgin Islands newspaper)(Pearson, Benita) (Entered: 08/15/2007)
08/17/2007	45	Order as to Mark D. Lay cancelling status conference previously set for 8/20/07 and rescheduling trial for 10/12/07 at 8:30 a.m. Signed by Judge David D. Dowd Jr. on 8/17/2007. (M,De) (Entered: 08/17/2007)
08/17/2007	46	Order as to Mark D. Lay (1) granting 39 Motion to Travel to the Virgin Islands from 8/29/07 through 8/31/07 and verify with Pretrial Services the fact of his return by no later than 4:00 p.m. on 9/1/2007; and denying 21 Motion for Bill of Particulars. Signed by Judge David D. Dowd Jr. on 8/17/2007. (M,De) (Entered: 08/17/2007)
08/20/2007	47	Reply by United States of America to response to Omnibus Motion in Limine 29 as to Mark D. Lay (Attachments: # 1 Exhibit 1)(Bacon, Antoinette) Modified attachment description on 8/21/2007 (Swonger, Stacey). (Entered: 08/20/2007)
08/20/2007	48	Response in support of Motion in Limine - <i>Government's Proposed Rule 404(b) Evidence</i> 30 as to Mark D. Lay (Attachments: # 1 Exhibit Attachment - ADV)(Kerger, Richard) (Entered: 08/20/2007)

08/20/2007	49	Reply to response to Amended Motion to Dismiss <i>Indictment</i> 32 as to Mark D. Lay (Attachments: # 1 Exhibit A, Hedge Fund Articles)(Squire, Percy) (Entered: 08/20/2007)
08/24/2007	50	Order scheduling Oral Argument for 9/6/2007 at 10:00 a.m. in Courtroom 442 before Hon. David D. Dowd Jr. on pending motions 30 , 31 and 32 . Signed by Judge David D. Dowd Jr. on 8/24/2007. (M,De) (Entered: 08/24/2007)
09/06/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Benita Pearson and Antoinette Bacon for Government and Percy Squire and Richard Kerger for Defendant present. Oral Argument as to Mark D. Lay held on 9/6/2007 re pending motions. Time: 2.0 Hours. (Court Reporter Rich DelMonico) (M,De) (Entered: 09/06/2007)
09/07/2007	51	Superseding Indictment as to Mark D. Lay (1) count(s) 1s, 2s, 3s-4s. (Attachments: # 1 Designation Form/Foreperson Signature Page) (S,R) (Entered: 09/07/2007)
09/07/2007	52	Notice of Hearing as to Mark D. Lay re 51 Superseding Indictment. Arraignment set for 9/11/2007 at 10:00 a.m. in Courtroom 442 before Hon. David D. Dowd Jr. (M,De) (Entered: 09/07/2007)
09/10/2007	53	Order as to Mark D. Lay that transcript of hearing on 9/6/2007 be filed and counsel has leave until 4:00 p.m. on 9/14/2007 to file supplemental briefs. Hearing on other issues set for 9/27/207 at 3:00 p.m. Signed by Judge David D. Dowd Jr. on 9/7/2007. (M,De) (Entered: 09/10/2007)
09/10/2007	54	Order as to Mark D. Lay re 32 Amended Motion to Dismiss <i>Indictment</i> filed by Mark D. Lay. The Court shall consider the amended motion to apply to the Superseding Indictment 51 . Signed by Judge David D. Dowd Jr. on 9/10/2007. (M,De) (Entered: 09/10/2007)
09/10/2007	56	Transcript of Motion to Dismiss Hearing Proceedings as to Mark D. Lay held on 9/6/07 before Judge David D. Dowd filed manually. To obtain a bound copy of this transcript please contact Court Reporter Richard G. DelMonico at 330-252-6021. Complete document on file, 71 pages. Related Document 55 (B,IE) (Entered: 09/12/2007)
09/11/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Bob Bulford for Benita Pearson and counsel for defendant present. Arraignment as to Mark D. Lay (1) as to Counts in Superseding Indictment 51 held on 9/11/2007. Plea of Not Guilty entered and case remains scheduled for trial on 10/12/2007. Time: 10 Minutes. (Court Reporter Lori Callahan) (M,De) (Entered: 09/11/2007)
09/11/2007	55	Non-Appeal Transcript Request by United States of America as to Mark D. Lay for proceedings held on 9/6/07 before Judge Dowd. Court Reporter: Richard DelMonico. Requested completion date: asap (Bacon, Antoinette) Modified text on 9/12/2007 (S, S). (Entered: 09/11/2007)
09/13/2007	57	Motion for Extension of Time until 9/17/2007 to File <i>Post Hearing Memorandum</i> by Mark D. Lay. (Squire, Percy) Modified text on 9/17/2007 (S, S). (Entered: 09/13/2007)
09/13/2007	58	Response by United States of America to Motion for Extension of Time to File <i>Post Hearing Memorandum</i> 57 as to Mark D. Lay (Bacon, Antoinette) (Entered: 09/13/2007)
09/14/2007		Order [non-document]granting 57 Motion for Extension of Time to 9/17/2007 to File its post hearing memorandum in support of its motion to dismiss the indictment as to Mark D. Lay (1). Government in addition has leave to file its brief on 9/17/07 as well. Approved by Judge David D. Dowd Jr. on 9/14/2007. (M,De) (Entered: 09/14/2007)
09/17/2007	59	Response by United States of America to Amended Motion to Dismiss <i>Indictment</i> 32 as to Mark D. Lay (Attachments: # 1 Exhibit 1 Subscription Agreement# 2 Exhibit 2 PPM# 3 Exhibit 3 Regulations and Prosecution# 4 Exhibit 4 Amendments to Investment Advisers Act# 5 Exhibit 5 17CFR275.206(4) -4# 6 Exhibit 6 PPM Article# 7 Exhibit 7 Deposition of Lay# 8 Exhibit 8 Dechert on Point Article# 9 Exhibit 9-1 Beckford Information# 10 Exhibit 9-2 Beckford Plea Agreement# 11 Exhibit 9-3 Beckford Judgment Order# 12 Exhibit 10 Investment Management

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		Agreement)(Pearson, Benita) (Entered: 09/17/2007)
09/17/2007	60	Post Hearing Memorandum in Support of Amended Motion to Dismiss Superseding Indictment by Mark D. Lay. (Related Documents 31 32) (Attachments: # 1 Exhibit 1 Form ADV# 2 Exhibit 2 PPM 1-15-03# 3 Exhibit 3 PPM 9-22-03# 4 Exhibit 4 Investment Advisory Agreement# 5 Exhibit 5 Request for Proposal# 6 Exhibit 6 Subscription Booklet)(Squire, Percy) Modified text and terminated document as motion on 9/19/2007 (S, S). Linked to motion on 9/20/2007 (P, S). (Entered: 09/17/2007)
09/18/2007	61	Exhibit 2 to 60 Post Hearing Memorandum in Support of Amended Motion to Dismiss Superseding Indictment 31 32 (Squire, Percy) Modified text and links on 9/20/2007 (P, S). (Entered: 09/18/2007)
09/21/2007	62	Reply to Supplemental Response to Motion to Dismiss <i>Indictment</i>] as to Mark D. Lay (Related document(s) 31 , 32 , 59)(Attachments: # 1 Exhibit A- Subscripton Agreement)(Squire, Percy) Modified text and added links on 9/25/2007 (S, S). (Entered: 09/21/2007)
09/25/2007	63	Motion to Continue <i>September 27, 2007 Hearing</i> by Mark D. Lay. (Attachments: # 1 Exhibit A-Order)(Squire, Percy) (Entered: 09/25/2007)
09/25/2007	64	Response by United States of America to Motion to Continue <i>September 27, 2007 Hearing</i> 63 as to Mark D. Lay (Bacon, Antoinette - s/by Benita Pearson) Modified text on 9/26/2007 (P, S). (Entered: 09/25/2007)
09/26/2007	65	Reply to response to Motion to Continue <i>September 27, 2007 Hearing</i> 63 as to Mark D. Lay (Squire, Percy) (Entered: 09/26/2007)
09/26/2007	66	Withdrawal of Motion by Mark D. Lay <i>to Reschedule September 27, 2007 Hearing</i> (Squire, Percy) (Entered: 09/26/2007)
09/26/2007	67	Order as to Mark D. Lay that the Court will proceed with the hearing, but reschedules the time for the hearing until 3:30 p.m. on September 27, 2007. The Court also alerts counsel to its intention to publish prior to the 3:30 p.m. hearing an opinion denying the defendant' s motion to dismiss. Signed by Judge David D. Dowd Jr. on 9/26/07. (M,De) (Entered: 09/26/2007)
09/27/2007	68	Memorandum Opinion as to Mark D. Lay Denying 32 Amended Motion to Dismiss <i>Indictment</i> . (Related document # 31). Signed by Judge David D. Dowd Jr. on 9/27/2007. (Attachments: # 1 Appendix A-Superseding Indictment) (M,De) (Entered: 09/27/2007)
09/27/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Benita Pearson and Annette Bacon for Government and Richard Kerger and Percy Squire for Defendant present. Oral Argument as to Mark D. Lay held on 9/27/2007 regarding other issues. Time: 75 Minutes. (Court Reporter Rich DelMonico) (M,De) (Entered: 09/28/2007)
10/02/2007	69	Memorandum Opinion as to Mark D. Lay in re 29 Omnibus Motion in Limine filed by United States of America and re 30 Motion in Limine - <i>Government's Proposed Rule 404(b) Evidence</i> filed by Mark D. Lay. Subpart 1 of the government's motion in limine is granted. Subpart 2 of the government's motion is granted. Subpart 3 of the government's motion in limine is granted. The ruling on Subpart 4 shall be delayed until counsel have the opportunity to file supplemental briefs by Monday, October 8, 2007, consistent with the Court' s instructions. The ruling on Section VI of this order directing counsel for the government to omit in its opening statement any reference to the defendant's past employment history with Mellon and Pittsburgh National Bank remains in effect, but subject to a subsequent modification based on the supplemental briefs to be filed by Monday, October 8, 2007. Signed by Judge David D. Dowd Jr. on 10/2/2007. (Attachments: # 1 Appendix 1# 2 Appendix 2# 3 Appendix 3) (M,De) Added corrected document on 10/4/2007 to correct page 19 in the Conclusion. (Richmond, Julia). (Entered: 10/02/2007)

10/05/2007	70	Motion to Present Testimony of a Witness Via Tape Videoconference by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 10/05/2007)
10/05/2007	71	Response to Motion to Present Testimony of a Witness Via Tape Videoconference 70 as to Mark D. Lay (Kerger, Richard) (Entered: 10/05/2007)
10/05/2007	72	Motion in Limine, with Attachments A - G, by Mark D. Lay. (Kerger, Richard) Modified text on 10/10/2007 (S, S). (Entered: 10/05/2007)
10/05/2007	73	Supplemental Brief regarding Government's Omnibus Motion in Limine 29 and Defendant's Motion in Limine 30 (Related document(s) 69) (Kerger, Richard) Modified text and links on 10/10/2007 (S, S). (Entered: 10/05/2007)
10/08/2007	74	Supplement to 73 Supplemental Brief regarding Government's Omnibus Motion in Limine and Defendant's Motion in Limine as to Mark D. Lay (Kerger, Richard) Modified text on 10/10/2007 (S, S). (Entered: 10/08/2007)
10/08/2007	75	Government's Brief in Response to Court's October 2, 2007 Opinion and Order 69 re 29 Omnibus Motion in Limine and 30 Motion in Limine. (Bacon, Antoinette) Modified text and links on 10/10/2007 (S, S). (Entered: 10/08/2007)
10/08/2007	76	Proposed Voir Dire by Mark D. Lay (Kerger, Richard) (Entered: 10/08/2007)
10/08/2007	77	Proposed Voir Dire by United States of America as to Mark D. Lay (Bacon, Antoinette) (Entered: 10/08/2007)
10/08/2007	78	Response by United States of America in opposition to Motion in Limine 72 as to Mark D. Lay (Attachments: # 1 Exhibit 11-16-05 Protective Order)(Pearson, Benita) (Entered: 10/08/2007)
10/09/2007	79	Response as to Mark D. Lay re 71 Response to Motion to Present Testimony of a Witness Via Tape Videoconference (Pearson, Benita) Modified text on 10/10/2007 (S, S). (Entered: 10/09/2007)
10/09/2007	80	Order as to Mark D. Lay granting oral motion of counsel to delay filing of supplemental brief until 10/10/07. Signed by Judge David D. Dowd Jr. on 10/9/2007. (M,De) (Entered: 10/09/2007)
10/09/2007	81	Response in support of Motion in Limine 72 as to Mark D. Lay (Kerger, Richard) (Entered: 10/09/2007)
10/09/2007	82	Reply to response to Motion to Present Testimony of a Witness Via Tape Videoconference 70 as to Mark D. Lay (Kerger, Richard) (Entered: 10/09/2007)
10/10/2007	83	Order as to Mark Lay granting 70 Motion of Government to present testimony of prosecution witness Steven Peris via taped videoconferencing and to advise the Court and opposing counsel on the arrangements; and as to 72 Defendant's Motion in Limine, the Court finds without merit issues 1-3 and grants as to issue 4, but with the opportunity for government to argue that it has demonstrated compliance. The Court is of the view that defendant may present character evidence and the Court will delay a final ruling on the issue regarding defendant's prior employment history. Signed by Judge David D. Dowd Jr. on 10/10/2007. (M,De) (Entered: 10/10/2007)
10/10/2007	84	Order as to Mark D. Lay requesting the names of witnesses for trial forthwith and if counsel have any questions or suggested modification to question number four, please provide the response by noon, on Thursday, October 11. Signed by Judge David D. Dowd Jr. on 10/10/2007. (M,De) (Entered: 10/10/2007)
10/10/2007	85	Proposed Jury Instructions by United States of America as to Mark D. Lay (Attachments: # 1 Exhibit U.S. v. Chapman (jury instructions)# 2 Exhibit U.S. v. Branston (jury instructions)) (Pearson, Benita) (Entered: 10/10/2007)
10/10/2007	86	Witness List by Mark D. Lay (Kerger, Richard) (Entered: 10/10/2007)

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10/10/2007	87	Motion for Disclosure of <i>Witness List</i> by Mark D. Lay. (Kerger, Richard) (Entered: 10/10/2007)
10/10/2007	88	Motion Government's motion requesting use of courtroom by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 10/10/2007)
10/10/2007	89	Response by United States of America to Motion for Disclosure of <i>Witness List</i> 87 as to Mark D. Lay (Pearson, Benita) (Entered: 10/10/2007)
10/10/2007	90	Trial Brief by Mark D. Lay (Attachments: # 1 Exhibit A-Witness List# 2 Exhibit B-Exhibit List)(Squire, Percy) (Entered: 10/10/2007)
10/11/2007	91	Response as to Mark D. Lay re 84 Order, (Bacon, Antoinette) (Entered: 10/11/2007)
10/11/2007	92	Response as to Mark D. Lay (Kerger, Richard) (Related document(s) 84 , 91) Modified to create links on 10/12/2007 (S, S). (Entered: 10/11/2007)
10/11/2007	94	Proposed Jury Instructions by Mark D. Lay (Kerger, Richard) (Entered: 10/11/2007)
10/12/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Benita Pearson and Antoinette Bacon for Government and Percy Squire and Richard Kerger for Defendant present. Voir Dire begun and concluded on 10/12/2007 as to Mark D. Lay. Jury sworn. Jury Trial will commence on 10/15/2007 at 10:00 a.m. with opening statements and proceed with Government's case in Courtroom 442 before Judge David D. Dowd Jr. Time: 5.5 Hours. (Court Reporter Lori Callahan) (M,De) (Entered: 10/12/2007)
10/15/2007	95	Motion to Amend/Correct 51 Indictment by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 10/15/2007)
10/15/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. presiding over deposition (Related document # 70 and 83) as to Mark D. Lay held on 10/15/2007. (M,De) (Entered: 10/15/2007)
10/15/2007	96	Order as to Mark D. Lay setting forth Media Guidelines. Signed by Judge David D. Dowd Jr. on 10/15/2007. (M,De) (Entered: 10/15/2007)
10/15/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Time: 5 hours 20 Minutes. Jury Trial as to Mark D. Lay held on 10/15/2007 and continued to 10/16/2007 at 9:00 a.m. in Courtroom 442 before Judge David D. Dowd Jr. (Court Reporter Lori Callahan) (M,De) (Entered: 10/17/2007)
10/16/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Time: 7 Hours and 20 minutes. Jury Trial as to Mark D. Lay held on 10/16/2007 and continued to 10/17/2007 at 9:00 a.m. in Courtroom 442 before Judge David D. Dowd Jr. (Court Reporter Lori Callahan) (M,De) (Entered: 10/17/2007)
10/17/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/17/2007. Jury Trial continued to 10/18/2007 at 8:30 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Time: 6 Hours. (Court Reporter Lori Callahan) (M,De) (Entered: 10/18/2007)
10/18/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/18/2007. Jury Trial Continued to 10/19/2007 at 8:30 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Time: 7 hours, 45 minutes. (Court Reporter Lori Callahan) (M,De) (Entered: 10/19/2007)
10/19/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/19/2007. Jury Trial continued to 10/23/2007 at 8:30 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Time: 5.0 Hours. (Court Reporter Lori Callahan) (M,De) (Entered: 10/22/2007)

10/22/2007	97	Memorandum Concerning Fiduciary Duty as to Mark D. Lay (Squire, Percy) Modified text on 10/23/2007 (S, S). (Entered: 10/22/2007)
10/23/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/23/2007. Jury Trial continued to 10/24/2007 at 9:00 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Time: 4.5 hours. (Court Reporter Rich DelMonico) (M,De) (Entered: 10/23/2007)
10/23/2007	98	Supplement to 85 Proposed Jury Instructions as to Mark D. Lay (Attachments: # 1 Exhibit Proposed Jury Insrtuctions)(Pearson, Benita) (Entered: 10/23/2007)
10/24/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/24/2007. Jury Trial continued to 10/26/2007 at 9:00 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Time: 4 hours 40 minutes. (Court Reporter Rich DelMonico) (M,De) (Entered: 10/24/2007)
10/25/2007	99	Subpoena Returned Executed as to Mark D. Lay; served upon <i>Frederick Ziegler</i> by <i>Wesley Walker</i> , <i>Process Server</i> on 10/19/2007. (Kerger, Richard) Modified text on 10/26/2007 (S, S). (Entered: 10/25/2007)
10/25/2007	100	Transcript of Testimony of James McLean Proceedings as to Mark D. Lay held on 10/18/07 before Judge David D. Dowd filed manually. To obtain a bound copy of this transcript please contact Court Reporter Lori Ann Callahan at (330)819-8676. Complete document on file, 145 pages. (B,IE) (Entered: 10/26/2007)
10/25/2007	101	Transcript of Continued Testimony of James McLean Proceedings as to Mark D. Lay held on 10/19/07 before Judge David D. Dowd filed manually. To obtain a bound copy of this transcript please contact Court Reporter Lori Ann Callahan at (330) 819-8676. Complete document on file, 71 pages. (B,IE) (Entered: 10/26/2007)
10/25/2007	102	Transcript of Testimony of Terrence Gasper Proceedings as to Mark D. Lay held on 10/16/07 before Judge David D. Dowd filed manually. To obtain a bound copy of this transcript please contact Court Reporter Lori Ann Callahan at (330) 819-8676. Complete document on file, 181 pages. (B,IE) (Entered: 10/26/2007)
10/26/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/26/2007 and continued to 10/29/2007 9:00 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Time: 3.0 Hours. (Court Reporter Rich DelMonico) (M,De) (Entered: 10/26/2007)
10/29/2007	103	Amended Exhibit List by Mark D. Lay (Kerger, Richard) Modified text on 10/30/2007 (S, S). (Entered: 10/29/2007)
10/29/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/29/2007. Jury Trial continued to 10/30/2007 at 9:00 a.m. with jury deliberations in Courtroom 442 before Judge David D. Dowd Jr. Time 4 hours 15 minutes. (Court Reporter Rich DelMonico) (M,De) (Entered: 10/29/2007)
10/30/2007		Minutes of proceedings [non-document] before Judge David D. Dowd Jr. Jury Trial as to Mark D. Lay held on 10/30/2007. Verdicts of Guilty on Counts 1-4 of the superseding indictment and Special Verdict as to Counts 3 and 4 of the Superseding Indictment returned. Defendant referred to the Probation Department for the preparation of a Presentence Investigation Report. Sentencing date to be scheduled at a later date. Defendant is continued on bond. Time: 2.5 hours. (Court Reporter Lori Callahan and Rich DelMonico) (M,De) (Entered: 10/31/2007)
10/30/2007	104	Jury Verdict as to Mark D. Lay of Guilty on Count 1-4 of the superseding indictment. (Attachments: # 1 Verdicts-unredacted) (Entered: 10/31/2007)

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10/30/2007	106	Jury Verdict on Forfeiture as to Mark D. Lay finding that proceeds obtained in the amount of \$590,526.23. (Attachments: # 1 Special Verdict-unredacted)(M,De) (Entered: 10/31/2007)
10/31/2007	105	Emergency Motion to Modify Conditions of Release by Mark D. Lay. (Squire, Percy) (Entered: 10/31/2007)
10/31/2007	107	Exhibit List by Mark D. Lay of exhibits admitted. (M,De) (Entered: 10/31/2007)
10/31/2007	108	Exhibit List by United States of America as to Mark D. Lay of exhibits admitted. (M,De) (Exhibits returned to counsel for the government on 10/30/2007). (Entered: 10/31/2007)
10/31/2007		Order [non-document] granting 105 Motion to Modify Conditions of Release as to Mark D. Lay to travel to Washington, D.C. and Trenton, New Jersey. Defendant to advise Pre-Trial Services as to the dates and time of travel. Approved by Judge David D. Dowd Jr. on 10/31/2007. (M,De) (Entered: 10/31/2007)
11/05/2007	109	Motion to Revoke <i>Bond</i> by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 11/05/2007)
11/06/2007	110	Non-Appeal Transcript Request by United States of America as to Mark D. Lay for proceedings held on October 15, 2007 before Judge Dowd. Court Reporter: Lori Callahan. Requested completion date: November 27, 2007 (Pearson, Benita) (Entered: 11/06/2007)
11/09/2007	111	Notice of Hearing as to Mark D. Lay. Sentencing set for 2/26/2008 at 1:00 p.m. in Courtroom 442 before Judge David D. Dowd Jr. (M,De) (Entered: 11/09/2007)
11/12/2007	112	Response in opposition to Motion to Revoke <i>Bond</i> 109 as to Mark D. Lay (Kerger, Richard) (Entered: 11/12/2007)
11/13/2007	113	Motion for Acquittal, Motion for New Trial by Mark D. Lay. (Squire, Percy) (Entered: 11/13/2007)
11/16/2007	114	Order denying 109 Motion to Revoke bond as to Mark D. Lay. Signed by Judge David D. Dowd, Jr on 11/16/2007. (M,De) (Entered: 11/16/2007)
11/29/2007	115	Non-Appeal Transcript Request by United States of America as to Mark D. Lay for proceedings held on Oct. 15, 2007-Oct. 19, 2007 before Judge Dowd. Court Reporter: Lori Callahan. Requested completion date: December 21, 2007 (Pearson, Benita) (Entered: 11/29/2007)
11/29/2007	116	Non-Appeal Transcript Request by United States of America as to Mark D. Lay for proceedings held on Oct. 22- Oct. 30 before Judge Dowd. Court Reporter: Richard Delmonico. Requested completion date: December 7, 2007 (Pearson, Benita) (Entered: 11/29/2007)
11/29/2007	117	Motion for Extension of Time to File Response/Reply as to 113 Motion for Acquittal Motion for New Trial by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 11/29/2007)
12/04/2007	118	Marginal Order granting 117 Government's Motion for Extension of Time to 1/7/2008 to respond to Defendant's motion for judgment of acquittal or new trial. Signed by Judge David D. Dowd, Jr on 12/3/2007. (M,De) (Entered: 12/04/2007)
12/10/2007	119	Transcript of Trial Proceedings as to Mark D. Lay held on 10/23/07 before Judge David D. Dowd, Jr. filed manually. To obtain a bound copy of this transcript please contact Court Reporter Richard DelMonico at 330-252-6021. Complete document on file, 135 pages. Related Document 116 . (B,IE) (Entered: 12/10/2007)
12/10/2007	120	Transcript of Trial Proceedings as to Mark D. Lay held on 10/24/07 before Judge David D. Dowd, Jr. filed manually. To obtain a bound copy of this transcript please contact Court Reporter Richard DelMonico at 330-252-6021. Complete document on file, 142 pages. Related Document 116 . (B,IE) (Entered: 12/10/2007)

12/28/2007	121	Emergency Motion to Travel <i>to New York</i> by Mark D. Lay. (Squire, Percy) (Entered: 12/28/2007)
12/28/2007	122	Marginal Order granting 121 Motion to Travel on 12/28/2007 as to Mark D. Lay. Signed by Judge David D. Dowd, Jr on 12/28/2007. (M,De) (Entered: 12/28/2007)
01/04/2008	123	Motion to Travel <i>to Washington D.C.</i> by Mark D. Lay. (Squire, Percy) (Entered: 01/04/2008)
01/04/2008	124	Notice of Withdrawal as to Mark D. Lay <i>Motion to Travel to Washington D.C.</i> (Squire, Percy) (Entered: 01/04/2008)
01/07/2008	125	Second Motion for Extension of Time to 1/30/08 to File Response/Reply to Defendant's Motion for Judgment of Acquittal or New Trial by United States of America as to Mark D. Lay (Related document(s) 113 , 117 , 118). (Pearson, Benita) Modified text and created document links on 1/8/2008 (Swonger, Stacey). Modified text on 1/9/2008 (M,De). (Entered: 01/07/2008)
01/09/2008		Order [non-document] granting 125 Government's Motion for Extension of Time to 1/30/08 to File Response as to Defendant Mark D. Lay's Motion for Judgment of Acquittal or New Trial. Approved by Judge David D. Dowd, Jr on 1/9/2008. (M,De) (Entered: 01/09/2008)
01/17/2008	126	Transcript of Jury Trial Proceedings as to Mark D. Lay held on 10/15/07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact Court Reporter Lori A. Callahan at 330-252-6022. Complete document on file, 1-108 pages. (Volume 1), Related Document 115 (C,L) (Entered: 01/17/2008)
01/17/2008	127	Transcript of Jury Trial Proceedings as to Mark D. Lay held on 10/16/07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact Court Reporter Lori A. Callahan at 330-252-6022. Complete document on file, 109-259 pages.(Volume 2) Related Document 115 (C,L) (Entered: 01/17/2008)
01/17/2008	128	Transcript of Jury Trial Proceedings as to Mark D. Lay held on 10/17/07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact Court Reporter Lori A. Callahan at 330-252-6022. Complete document on file, 260-340 pages. (Volume 3) Related Document 115 (C,L) (Entered: 01/17/2008)
01/17/2008	129	Motion for Forfeiture of Property by United States of America as to Mark D. Lay. (Attachments: # 1 Proposed Order of Forfeiture)(Villa, Herbert) (Entered: 01/17/2008)
01/24/2008	130	Motion to Travel <i>to New York City</i> by Mark D. Lay. (Squire, Percy) (Entered: 01/24/2008)
01/24/2008		Order [non-document] granting 130 Motion to Travel as to Mark D. Lay (1). Approved by Judge David D. Dowd, Jr on 1/24/08. (M,De) (Entered: 01/24/2008)
01/25/2008	131	Motion for Extension of Time until 2/4/2008 to File Response/Reply as to 129 Motion for Forfeiture of Property by Mark D. Lay. (Kerger, Richard) Modified text on 1/28/2008 (S,S). (Entered: 01/25/2008)
01/29/2008	132	Transcript of Jury Trial Proceedings as to Mark D. Lay held on October 19, 2007 before Judge David D. Dowd, Jr.,. To obtain a bound copy of this transcript please contact Court Reporter Lori A. Callahan at 330-252-6022. Complete document on file, 440-539 pages, volume 5. (C,L) (Entered: 01/29/2008)
01/30/2008		Order [non-document] granting 131 Defendant's Motion for Extension of Time to 2/4/08 to File Response to Government's Motion 129 for Forfeiture of Property. Approved by Judge David D. Dowd, Jr on 1/30/08. (M,De) (Entered: 01/30/2008)
01/30/2008	133	Motion for Extension of Time to File Response/Reply by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 01/30/2008)

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01/30/2008		Order [non-document] granting 133 Government's Motion for Extension of Time to 1/31/08 to File Reply as to Defendant Mark D. Lay's Motion for Judgment of Acquittal or New Trial. Approved by Judge David D. Dowd, Jr on 1/30/08. (M,De) (Entered: 01/30/2008)
01/31/2008	134	Response in opposition to Motion for Forfeiture of Property 129 as to Mark D. Lay (Kerger, Richard) (Entered: 01/31/2008)
01/31/2008	135	Response by United States of America in opposition to Motion for Acquittal Motion for New Trial 113 as to Mark D. Lay (Pearson, Benita) (Entered: 01/31/2008)
02/01/2008		Order (non-document) Granting Defendant Mark Lay leave until 2/8/08 to file a Reply to 135 Response in Opposition filed by United States of America to Defendant's Motion 113 for Acquittal and Motion for New Trial. Approved by Judge David D. Dowd, Jr on 2/1/2008. (M,De) (Entered: 02/01/2008)
02/01/2008	136	Motion for Extension of Time until 2/22/2008 to File Response/Reply <i>Brief</i> , Motion to Continue <i>February 26, 2008 Sentencing Hearing</i> by Mark D. Lay. (Squire, Percy) Modified text on 2/4/2008 (S,S). (Entered: 02/01/2008)
02/04/2008	137	Response by United States of America in opposition to Motion for Extension of Time to File Response/Reply <i>Brief</i> Motion to Continue <i>February 26, 2008 Sentencing Hearing</i> 136 as to Mark D. Lay (Pearson, Benita) (Entered: 02/04/2008)
02/05/2008	138	Order that defendant's motion for an extension of time until February 22, 2008, to file his reply is granted. The Court defers a decision regarding defendant's request for oral argument on the pending motion. Defendant's sentencing hearing presently scheduled for February 26, 2008, is cancelled and rescheduled for May 6, 2008, at 1:00 p.m. Signed by Judge David D. Dowd, Jr on 2/5/08. (M,De) (Entered: 02/05/2008)
02/21/2008		FILING ERROR, no document uploaded, to be refiled. Transcript of Trial Proceedings as to Mark D. Lay held on 10-26-07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact Court Reporter Richard G. DelMonico at 330-884-7424. Complete document on file, 104 pages. Related Document 116 (D,Ri) Modified on 2/21/2008 (R,Li). Modified text on 2/22/2008 (B,IE). (Entered: 02/21/2008)
02/21/2008	139	Transcript of trial Proceedings as to Mark D. Lay held on 10-29-07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact Court Reporter Richard G. DelMonico at 330-884-7424. Complete document on file, 150 pages. Related Document 116 (D,Ri) (Entered: 02/21/2008)
02/21/2008	140	Transcript of trial Proceedings as to Mark D. Lay held on 10-26-07 before Judge David D. Dowd. To obtain a bound copy of this transcript please contact Court Reporter Richard G. DelMonico at 330-884-7424. Complete document on file, 103 pages. Related Document 116 (D,Ri) (Entered: 02/21/2008)
02/21/2008	141	Transcript of trial proceedings Proceedings as to Mark D. Lay held on 10-25-07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact Court Reporter Richard G. DelMonico at 330-88-7424. Complete document on file, 19 pages. Related Document 116 (D,Ri) (Entered: 02/21/2008)
02/21/2008	142	Second Motion for Extension of Time to 3/3/08 to File Reply in Opposition of Government to defendant's Motion for Judgment of Acquittal and for a New Trial by Mark D. Lay. Related document 135 . (Squire, Percy) Modified text and created link on 2/22/2008 (B,IE). (Entered: 02/21/2008)
02/21/2008		Order [non-document] granting 142 Defendant's Motion for Extension of Time to 3/3/08 to File Reply in Opposition of Government to defendant's Motion for Judgment of Acquittal and for a New Trial. Approved by Judge David D. Dowd, Jr on 2/21/2008. (M,De) (Entered: 02/21/2008)

02/22/2008	143	Transcript of Jury Trial Proceedings as to Mark D. Lay held on October 18, 2007 before Judge David D. Dowd, Jr., To obtain a bound copy of this transcript please contact Court Reporter Lori A. Callahan at 330-252-6022. Complete document on file, 341-439 pages, volume 4. (C,L) (Entered: 02/22/2008)
03/03/2008	144	Unopposed Motion for Extension of Time to File Response/Reply to <i>Opposition to Motion for Judgment of Acquittal and for a New Trial</i> by Mark D. Lay. (Squire, Percy) (Entered: 03/03/2008)
03/04/2008		Order [non-document] granting 144 Unopposed Motion for Extension of Time to 3/5/08 to File Response/Reply to Opposition to Motion for Judgment of Acquittal and for a New Trial as to Mark D. Lay. Approved by Judge David D. Dowd, Jr on 3/4/08. (M,De) (Entered: 03/04/2008)
03/04/2008	145	Transcript of Trial Proceedings Proceedings as to Mark D. Lay held on 10-30-07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact Court Reporter Richard G. DelMonico at 330-884-7424. Complete document on file, 31 pages. (D,Ri) (Entered: 03/04/2008)
03/05/2008	146	Motion to Travel to New York City by Mark D. Lay. (Squire, Percy) (Entered: 03/05/2008)
03/05/2008	147	Reply to Memorandum in Opposition to Motion for Judgment of Acquittal and Motion for New Trial 113 ; Motion for Oral Argument as to Mark D. Lay (Attachments: # 1 Exhibit A)(Squire, Percy) Modified text and event on 3/6/2008 (P, S). (Entered: 03/05/2008)
03/05/2008	148	FILING ERROR - Duplicate of #147, which was a multi-part filing. Motion terminated. Motion for Oral Argument by Mark D. Lay. (Squire, Percy) Modified text on 3/6/2008 (P, S). (Entered: 03/05/2008)
03/06/2008		Order [non-document] granting 146 Motion to Travel to New York on 3/6/08, 3/7/08, 3/13/08 and 3/14/08 as to Mark D. Lay (1). Approved by Judge David D. Dowd, Jr on 3/6/08. (M,De) (Entered: 03/06/2008)
03/06/2008	149	Motion for leave to file a surreply and Motion for oral argument filed by United States of America as to Mark D. Lay. (Pearson, Benita) (Related Motion 147) Modified text and created links on 3/12/08 (L,T). (Entered: 03/06/2008)
03/10/2008	150	Order granting 147 and 149 government's and defendant's Motion for oral argument and government's motion to file a sur-reply to defendant's reply in support of his motions. Sur-reply to be filed by 3/14/08. Oral Argument set for 5/5/2008 at 2:00 p.m. in Courtroom 442. In the event defendant's motions are denied the Court will proceed to Sentencing on 5/27/2008 at 1:00 p.m. Signed by Judge David D. Dowd, Jr on 3/10/08. (M,De) (Entered: 03/10/2008)
03/11/2008	151	Transcript of Jury Trial Proceedings as to Mark D. Lay held on 10/30/2007 before Judge David D. Dowd. To obtain a bound copy of this transcript please contact Court Reporter Lori A. Callahan at 330-252-6022. Complete document on file, 35 pages. (C,L) (Entered: 03/11/2008)
03/14/2008	152	Sur-Reply by United States of America to reply to Motion for Oral Argument 147 as to Mark D. Lay (Pearson, Benita) Modified docket text on 3/17/2008 (B,IE). (Entered: 03/14/2008)
03/25/2008	153	Motion to Travel to New York City by Mark D. Lay. (Squire, Percy) (Entered: 03/25/2008)
03/26/2008		Order [non-document] granting 153 Motion to Travel to New York City on 3/27/08, 3/28/08, 4/4/08 and 4/5/08 as to Mark D. Lay (1). Approved by Judge David D. Dowd, Jr on 3/26/08. (M,De) (Entered: 03/26/2008)
04/28/2008	154	Transcript of Testimony of Steven Peras Proceedings as to Mark D. Lay held on 10/15/2007 before Judge David D. Dowd. To obtain a bound copy of this transcript please contact Court Reporter Lori A. Callahan at 330-252-6022. [44 pages] (C,L) (Entered: 04/28/2008)
04/29/2008	155	Motion to Travel to Washington D.C. by Mark D. Lay. (Squire, Percy) (Entered: 04/29/2008)

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04/30/2008		Order [non-document] granting 155 Motion to Travel as to Mark D. Lay (1). Approved by Judge David D. Dowd, Jr on 4/29/2008. (M,De) (Entered: 04/30/2008)
05/05/2008	156	Prehearing Memorandum as to Mark D. Lay (Squire, Percy) Modified text on 5/6/2008 (S,HR). (Entered: 05/05/2008)
05/05/2008	157	Order as to Mark D. Lay regarding objections and rulings as to the presentence report. The Court puts the government on notice that it may choose to vary downward from the 262 month minimum and will consider sentencing briefs and the argument presented at the sentencing hearing on the issue of variance. In the meantime, the defendant's objections to the advisory guideline calculation are preserved for appellate review. Signed by Judge David D. Dowd, Jr on 5/5/2008. (Attachments: # 1 Appendix I) (M,De) (Entered: 05/05/2008)
05/05/2008		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Benita Pearson and Antoinette Bacon for the Government and Percy Squire and Richard Kerger for the Defendant present. Motion Hearing as to Mark D. Lay held on 5/5/2008 re 113 Motion for Acquittal and Motion for New Trial filed by Mark D. Lay. Time: 90 Minutes. (Court Reporter Caroline Mahnke) (M,De) (Entered: 05/05/2008)
05/13/2008	158	Order Denying 113 Motion for Acquittal and Denying 113 Motion for New Trial as to Mark D. Lay (1). Signed by Judge David D. Dowd, Jr on 5/13/2008. (Attachments: # 1 Appendix I-Superseding Indictment, # 2 Appendix 2-Percentage of Trading Days by Leverage Range, # 3 Appendix 3-Instruction 13, # 4 Appendix 4-Proposed Jury Instructions, # 5 Appendix 5-Lay Trial Witness Log) (M,De) (Entered: 05/13/2008)
05/14/2008	159	Motion to Travel to Ft. Lauderdale, Florida by Mark D. Lay. (Squire, Percy) (Entered: 05/14/2008)
05/15/2008		Order [non-document] granting 159 Motion to Travel as to Mark D. Lay (1). Approved by Judge David D. Dowd, Jr on 5/15/08. (M,De) (Entered: 05/15/2008)
05/23/2008	160	Sentencing Memorandum by Mark D. Lay (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit) (Kerger, Richard) (Entered: 05/23/2008)
05/23/2008	161	Sentencing Memorandum by United States of America as to Mark D. Lay (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 13 Exhibit 13) (Additional document replaced on 5/28/2008: # 14 Exhibit 12) (M,De). (Redacted-due to personal identifiers) (M,De). Modified on 5/28/2008 (M,De). (Entered: 05/23/2008)
05/27/2008		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Benita Pearson and Antoinette Bacon for the Government and Richard Kerger and Percy Squire for the defendant present. Hearing as to Mark D. Lay held on 5/27/2008. Witnesses for the defendant testified. The sentencing hearing is continued to 7/3/2008. Supplemental briefs due 6/17/2008. Time: 90 Minutes. (Court Reporter Lori Callahan) (M,De) (Entered: 05/27/2008)
05/27/2008	162	Notice of Hearing as to Mark D. Lay. Sentencing set for 7/3/2008 at 9:00 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Supplemental briefs to be filed by 6/17/2008. (M,De) (Entered: 05/27/2008)
05/28/2008	163	Letter (attached) from Franco Harris was presented to the Court by defendant at sentencing hearing conducted on 5/27/2008, and is hereby filed for the record as to Mark D. Lay. (M,De) (Entered: 05/28/2008)
05/30/2008	164	Non-Appeal Transcript Request by United States of America as to Mark D. Lay for proceedings held on May 27, 2008 before Judge Dowd. Court Reporter: Lori Callahan. Requested completion date: May 30, 2008 (Pearson, Benita) (Entered: 05/30/2008)

06/09/2008	165	Motion to Travel to <i>New York City</i> by Mark D. Lay. (Squire, Percy) (Entered: 06/09/2008)
06/09/2008		Order [non-document] granting 165 Motion to Travel to New York City on 6/10/08 and return on 6/11/08 as to Mark D. Lay (1). Approved by Judge David D. Dowd, Jr on 6/9/08. (M,De) (Entered: 06/09/2008)
06/09/2008	166	Transcript of Sentencing Hearing Proceedings as to Mark D. Lay held on 5/27/2008 before Judge David D. Dowd. To obtain a bound copy of this transcript please contact court reporter Lori A. Callahan at 330-252-6022. [61 pages] Related Document 164 Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 6/18/2008. Redaction Request due 6/30/2008. Redacted Transcript Deadline set for 7/10/2008. Release of Transcript Restriction set for 9/8/2008. (C,L) (Entered: 06/09/2008)
06/16/2008	167	Motion for Extension of Time to File <i>Supplemental Sentencing Memorandum</i> by Mark D. Lay. (Squire, Percy) (Entered: 06/16/2008)
06/16/2008	168	Response by United States of America to Motion for Extension of Time to File <i>Supplemental Sentencing Memorandum</i> 167 as to Mark D. Lay (Pearson, Benita) (Entered: 06/16/2008)
06/16/2008	169	Order granting 167 Motion for Extension of Time to File his supplemental sentencing memorandum as to Mark D. Lay (1), and the same extension is granted to the government. Both parties should simultaneously file their supplemental memoranda at 4:00 p.m. on 6/20/2008. In view of the strong possibility that the testimony of witnesses at the sentencing hearing maybe extensive, the Court is expanding the time available for the sentencing hearing. The sentencing hearing will begin at 8:00 a.m. on 7/3/2008, instead of the previously scheduled time of 9:00 a.m. Signed by Judge David D. Dowd, Jr on 6/16/2008. (P,G) (Entered: 06/16/2008)
06/19/2008	170	Motion for Extension of Time to File <i>Supplemental Sentencing Memorandum on June 23, 2008</i> by Mark D. Lay. (Squire, Percy) (Entered: 06/19/2008)
06/20/2008	171	Marginal Entry Order granting defendant's 170 Motion for Extension of Time to File the supplemental sentencing memorandum on 6/23/2008 as to Mark D. Lay (1). Signed by Judge David D. Dowd, Jr on 6/20/2008. (P,G) (Entered: 06/20/2008)
06/23/2008	172	Supplement to 161 Sentencing Memorandum, as to Mark D. Lay (Pearson, Benita) (Entered: 06/23/2008)
06/23/2008	173	Supplement <i>Sentencing Memorandum</i> as to Mark D. Lay (Attachments: # 1 Exhibit A-Consulting agreement RRS, LLC, # 2 Exhibit B-OBWC Auditor's Report, # 3 Exhibit C-IG OBWC Report, # 4 Exhibit D-Marquez Information, # 5 Exhibit E-Sixth Cir. Opinion US v. White, # 6 Exhibit F-ADF Losses Chart, # 7 Exhibit G-Gasper Testimony, # 8 Exhibit H-McLean Memo, # 9 Exhibit I-MDL Articles, # 10 Exhibit J-Black Enterprise Articles, # 11 Exhibit K-RRS Materials, # 12 Exhibit L-Settles Resume, # 13 Exhibit M-Lay Financials, # 14 Exhibit N-MDL Financial, # 15 Exhibit O-US v. Cioffi Indictment, # 16 Exhibit P-OBWC Reports)(Squire, Percy) Modified text on 6/24/2008 (P,G). (Entered: 06/23/2008)
06/24/2008	174	Amended Supplemental Sentencing Memorandum as to Mark D. Lay (Attachments: # 1 Exhibit A-Consulting Agreement, # 2 Exhibit B-OBWC Auditor's Report, # 3 Exhibit C-IG OBWC Investigative Report, # 4 Exhibit D-Marquez Information, # 5 Exhibit E- 6th Cir. Opinion US v. White, # 6 Exhibit F-ADF Loss Chart, # 7 Exhibit G-Gasper Testimony, # 8 Exhibit H-McLean Memo, # 9 Exhibit I-MDL Articles, # 10 Exhibit J-Black Enterprise Articles, # 11 Exhibit K-RRS Materials, # 12 Exhibit L-Settles Resume, # 13 Exhibit M-Lay Financials, # 14 Exhibit N-MDL Financials, # 15 Exhibit O-US v. Cioffi Indictment, # 16 Exhibit P-OBWC Reports)(Squire, Percy) Modified text on 6/25/2008 (P,G). (Entered: 06/24/2008)

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06/25/2008	175	Motion for Leave to File <i>Law Responsive to Lay's Apprendi Argument</i> by United States of America as to Mark D. Lay. (Pearson, Benita) (Entered: 06/25/2008)
06/25/2008		Order [non-document] granting 175 Motion for Leave to File Law Responsive to Lay's Apprendi Argument. Judge David D. Dowd, Jr on 6/25/2008. (M,De) (Entered: 06/25/2008)
06/25/2008	176	Law Responsive of Government to Mark Lay's Apprendi Argument 174 . (M,De) (Entered: 06/25/2008)
06/25/2008	177	Motion for Leave to File <i>Law Responsive to the Apprendi Argument Made by the Government</i> by Mark D. Lay. (Squire, Percy) (Entered: 06/25/2008)
06/26/2008		Order [non-document] granting 177 Motion for Leave to 6/27/08 to File Law Responsive to the Apprendi Argument as to Mark D. Lay (1). Approved by Judge David D. Dowd, Jr on 6/26/08. (M,De) (Entered: 06/26/2008)
06/27/2008	178	Reply to response to Motion for Leave to File <i>Law Responsive to Lay's Apprendi Argument</i> 175 , Motion for Leave to File <i>Law Responsive to the Apprendi Argument Made by the Government</i> 177 as to Mark D. Lay <i>Response to File Law of Government to Mark Lay's Response</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Squire, Percy) (Entered: 06/27/2008)
07/01/2008	179	Supplement <i>in Aid of Sentencing</i> as to Mark D. Lay (Attachments: # 1 Pleading)(Pearson, Benita) (Entered: 07/01/2008)
07/01/2008	180	Response as to Mark D. Lay re 179 Supplement (Squire, Percy) (Entered: 07/01/2008)
07/03/2008		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Benita Pearson and Antoinette Bacon for the Government and Richard Kerger and Percy Squire for the Defendant present. Sentencing/Evidentiary Hearing as to Mark D. Lay held on 7/3/2008. Sentencing continued to 7/8/2008 at 10:00 a.m. in Courtroom 442 before Judge David D. Dowd Jr. Time: 7 hours and 10 minutes. (Court Reporter Lori Callahan) (M,De) Modified text on 7/7/2008 (P,G). (Entered: 07/03/2008)
07/08/2008		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Benita Pearson and Antoinette Bacon for the Government and Richard Kerger and Percy Squire for the defendant present. Sentencing held on 7/8/2008 for Mark D. Lay. Defendant sentenced to the Custody of the Bureau of Prisons for a period of 60 Months as to Count 1 and 144 Months as to each of Counts 2, 3 and 4; the sentence of imprisonment as to all Counts to run concurrently with each other; 3 Years Supervised Release as to Counts 1-4 with Standard and Special Conditions; Restitution due in the amount of \$212,967,084.76; Forfeiture ordered in the amount of \$590,526.23; Special Assessment due immediately in the amount of \$100.00 as to each of Counts 1-4 for a total of \$400.00; Defendant remanded to the custody of the United States Marshal. Time: 2.0 hours. (Court Reporter Lori Callahan) (M,De) (Entered: 07/08/2008)
07/08/2008	181	Memorandum Opinion and Order as to Mark D. Lay. Signed by Judge David D. Dowd, Jr on 7/8/08. (Attachments: # 1 Appendix I, # 2 Appendix II, # 3 Appendix III, # 4 Appendix IV, # 5 Appendix V, # 6 Appendix VI, # 7 Appendix VII, # 8 Appendix VIII, # 9 Appendix IX, # 10 Appendix X, # 11 Appendix XI, # 12 Appendix XII, # 13 Appendix XIII, # 14 Appendix XIV). (M,De) (Entered: 07/08/2008)
07/08/2008	182	FILING ERROR see document # 186 . Notice of Appeal as to Mark D. Lay (Squire, Percy) Modified on 7/9/2008 to see # 186 for proper appeal event (P,G). (Entered: 07/08/2008)
07/08/2008	183	Motion to Set Aside Judgment by Mark D. Lay. (Squire, Percy) (Entered: 07/08/2008)
07/08/2008	184	Motion to Stay Sentence <i>Pending Appeal</i> by Mark D. Lay. (Squire, Percy) Modified text on 7/9/2008 (P,G). (Entered: 07/08/2008)

07/08/2008	185	Supplement <i>Motion for Bail Pending Appeal</i> as to Mark D. Lay (Squire, Percy) (Entered: 07/08/2008)
07/08/2008	186	NOTICE OF APPEAL to the 6th Circuit Court of Appeals from the "verdict, sentence and judgment entered in this action on 7/8/08, filed on behalf of Mark D. Lay. (Filing fee of \$455 paid, receipt number 0647000000003096353) (Squire, Percy). Modified text on 7/8/2008 (H, SP). (Entered: 07/08/2008)
07/08/2008		Transmission of Notice of Appeal as to Mark D. Lay emailed to US Court of Appeals re 186 (H, SP) (Entered: 07/08/2008)
07/09/2008	187	Judgment as to Mark D. Lay. Defendant sentenced to the custody of the Bureau of Prisons for a period of 60 Months as to Count 1 and 144 Months as to each of Counts 2, 3 and 4 with all Counts to run concurrently with each other, 3 Years Supervised Release with standard and special conditions; Restitution due in the amount of \$212,967,084.76; Forfeiture ordered in the amount of \$590,526.23; Special Assessment due immediately in the amount of \$100.00 as to each of Counts 1-4 for a total of \$400.00. Signed by Judge David D. Dowd, Jr on July 9, 2008. (M,De) (Entered: 07/09/2008)
07/09/2008	188	Order of Forfeiture as to Mark D. Lay. (Related document # 129 . Signed by Judge David D. Dowd, Jr on 7/9/08. (M,De) (Entered: 07/09/2008)
07/09/2008	189	Non-Appeal Transcript Request by United States of America as to Mark D. Lay for proceedings held on July 3 and July 8, 2008 before Judge Dowd. Court Reporter: Lori Callihan. Requested completion date: ASAP (Pearson, Benita) (Entered: 07/09/2008)
07/09/2008	190	Order denying 184 Motion to stay sentence pending appeal and denying 185 Motion for bail pending appeal. To the extent the Court has jurisdiction to consider the defendant's motion 183 to arrest judgment given the fact that the defendant has already filed a notice of appeal, the motion to arrest judgment is denied. Signed by Judge David D. Dowd, Jr on 7/9/08. (M,De) (Entered: 07/09/2008)
07/11/2008	191	Amended Judgment as to Mark D. Lay. (Amended to correct restitution amount in entry). Defendant sentenced to the custody of the Bureau of Prisons for a period of 60 Months as to Count 1 and 144 Months as to each of Counts 2, 3 and 4 with all Counts to run concurrently with each other, 3 Years Supervised Release with standard and special conditions; Restitution due in the amount of \$212,967,084.76; Forfeiture ordered in the amount of \$590,526.23; Special Assessment due immediately in the amount of \$100.00 as to each of Counts 1-4 for a total of \$400.00. Signed by Judge David D. Dowd, Jr on 7/11/2008. (M,De) (Entered: 07/11/2008)
07/11/2008	192	Motion to Amend/Correct <i>Commitment Order</i> by Mark D. Lay. (Squire, Percy) (Entered: 07/11/2008)
07/14/2008	193	Order denying defendant's 192 Motion to recommend the Loretto Federal Correctional Institution as to Mark D. Lay (1) because Terrance Gasper, a Government witness in this case, is located there. The Court does recommend the Fort Dix Correctional Institution. The Clerk is directed to submit a copy of this order to the Office of the United States Marshal with a request that it submit the same to the Bureau of Prisons. Signed by Judge David D. Dowd, Jr on 7/14/2008. (P,G) (Entered: 07/14/2008)
07/28/2008	194	Non-Appeal Transcript Request by United States of America as to Mark D. Lay for proceedings held on 8/2/007 and 9/27/2007 before Judge Dowd. Court Reporter: DelMonico. Requested completion date: asap (Ford, Laura) (Entered: 07/28/2008)
07/30/2008	195	Acknowledgment from USCA for the 6th Circuit of receipt of 186 Notice of Appeal as to Mark D. Lay (USCA# 08-3892). Date filed in USCA 7/22/08. (H, SP) (Entered: 07/30/2008)

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08/01/2008	196	UNREDACTED Transcript of Sentencing Hearing Proceedings as to Mark D. Lay held on 7/3/2008 before Judge David D. Dowd. To obtain a bound copy of this transcript please contact court reporter Lori A. Callahan at 330-252-6022. [246 pages] Related Document 189 Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 8/12/2008. Redaction Request due 8/22/2008. Redacted Transcript Deadline set for 9/1/2008. Release of Transcript Restriction set for 10/30/2008. (C,L) Modified text on 8/4/2008 (P,G). THIS TRANSCRIPT WILL NOT BE RELEASED. SEE REDACTED TRANSCRIPT # 202 . Modified text on 10/31/2008 (P, S). (Entered: 08/01/2008)
08/05/2008	197	Notice of Intent to Request Redaction of Transcript 196 by Antoinette T. Bacon as to Mark D. Lay(Bacon, Antoinette) (Entered: 08/05/2008)
08/05/2008	198	Transcript Redaction Request in case as to Mark D. Lay re 196 Transcript - Official Court Transcript filed by Court Reporter Lori Callahan, filed by attorney Antoinette T. Bacon (Bacon, Antoinette) Modified text on 8/6/2008 (M,TL). (Entered: 08/05/2008)
08/06/2008	199	Transcript of Status Conference Proceedings as to Mark D. Lay held on 08-02-07 before Judge David D. Dowd, Jr.. To obtain a bound copy of this transcript please contact court reporter Richard G. DelMonico at (330)884-7424. [10 pages] Related Document 55 Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 8/15/2008. Redaction Request due 8/27/2008. Redacted Transcript Deadline set for 9/8/2008. Release of Transcript Restriction set for 11/4/2008. (D,Ri) (Entered: 08/06/2008)
08/06/2008	200	Transcript of Motions Proceedings as to Mark D. Lay held on 09-27-07 before Judge David D. Dowd, Jr. To obtain a bound copy of this transcript please contact court reporter Richard G. DelMonico at (330)884-7424. [50 pages] Related Document 194 Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 8/15/2008. Redaction Request due 8/27/2008. Redacted Transcript Deadline set for 9/8/2008. Release of Transcript Restriction set for 11/4/2008. (D,Ri) (Entered: 08/06/2008)
08/07/2008	201	Passport of Mark Douglas Lay returned to U.S. Department of State, Office of Passport Policy and Advisory Services on 08/07/2008. (Attachments: # 1 Unredacted PS40 Notice) (S,HR) (Entered: 08/07/2008)
08/08/2008	202	Redaction re 196 Transcript - Official Court Transcript filed by Court Reporter,, in case as to Mark D. Lay (C,L) (Entered: 08/08/2008)
08/08/2008	203	Transcript Request by Mark D. Lay for proceedings held on October 15, 16, 17, 18, 19, 23, 24, 25, 26, 29, 30, 2007, May 27, 2008, July 3, 8, 2008 before Judge David D. Dowd, Jr., re 186 Notice of Appeal. Court Reporter: Lori A. Callahan, Richard G. DelMonico. Transcript required for appeal. (Attachments: # 1 Transcript Order Forms) (Squire, Percy). Modified text on 8/14/2008 (H, SP). (Entered: 08/08/2008)
08/08/2008	204	Transcript of Volume 3 Sentencing Hearing Proceedings as to Mark D. Lay held on 7/8/2008 before Judge David D. Dowd. To obtain a bound copy of this transcript please contact court reporter Lori A. Callahan at 330-252-6022. [58 pages] Related Document 189 Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 8/19/2008. Redaction Request due 8/29/2008. Redacted Transcript Deadline set for

		9/8/2008. Release of Transcript Restriction set for 11/6/2008. (C,L) (Entered: 08/08/2008)
08/15/2008	205	Subpoena Returned Executed as to Mark D. Lay; served upon Debbie Smoody by David Becerra, FBI on 7/25/07. (K,K) (Entered: 08/15/2008)
08/15/2008	206	Subpoena Returned Executed as to Mark D. Lay; served upon Debbie Smoody by David Becerra on 7/26/08. (K,K) (Entered: 08/15/2008)
08/15/2008	207	Subpoena Returned Executed as to Mark D. Lay; served upon Debbie Moody by David Becerra on 8/9/07. (K,K) (Entered: 08/15/2008)
08/15/2008	208	Subpoena Returned Executed as to Mark D. Lay; served upon Scott Sigmond by David Becerra on 8/10/07. (K,K) Modified date on 8/18/2008 (P,G). (Entered: 08/15/2008)
08/15/2008	209	Subpoena Returned Executed as to Mark D. Lay; served upon Bruce Cobb by Fedex on 8/11/07. (K,K) (Entered: 08/15/2008)
08/15/2008	210	Subpoena Returned Executed as to Mark D. Lay; served upon Marc Sydnor by personal service on 8/14/07. (K,K) (Entered: 08/15/2008)
08/15/2008	211	Subpoena Returned Executed as to Mark D. Lay; subpoena serviced upon John Hemann by Fedex on 8/24/07. (K,K) Modified text 8/15/2008 (K,K). (Entered: 08/15/2008)
08/15/2008	212	Subpoena Returned Executed as to Mark D. Lay; served upon Tom Greyer by Fedex on 9/11/07. (K,K) (Entered: 08/15/2008)
08/15/2008	213	Subpoena Returned Executed as to Mark D. Lay; served upon Charles Gregor and Lawrnece Gray by Fedex on 9/25/07. (K,K) Modified date on 8/18/2008 (P,G). (Entered: 08/15/2008)
08/15/2008	214	Subpoena Returned Executed as to Mark D. Lay; served upon T. Staten by Fedex on 9/26/07. (K,K) (Entered: 08/15/2008)
08/15/2008	215	Subpoena Returned Executed as to Mark D. Lay; served upon Guy Pertillo by fax and Norman Pao by Fedex on 9/27/07. (K,K) Modified text on 8/18/2008 (P,G). (Entered: 08/15/2008)
08/15/2008	216	Subpoena Returned Executed as to Mark D. Lay; served upon D. Karan by Fedex on 10/1/07. (K,K) (Entered: 08/15/2008)
08/15/2008	217	FILING ERROR-DUPLICATE OF 216 .Subpoena Returned Executed as to Mark D. Lay; served upon Robert Cowman by personal service on 10/9/07. (K,K) Modified on 8/18/2008 (P,G). Modified on 8/18/2008 to note filing error (P,G). (Entered: 08/15/2008)
08/19/2008		Transcript Order received on 8/5/2008 by court reporter Lori A. Callahan. Financial arrangements made on 8/19/2008. Estimated number of pages: 1,400. Estimated completion date: 9/19/2008. Related Document 203 (C,L) (Entered: 08/19/2008)
07/14/2010	218	Information copy of opinion from the USCA for the Sixth Circuit: Affirming the judgment of the District Court as to Mark D. Lay re 186 Notice of Appeal (USCA# 8-3892). This is not a mandate order. Circuit Judges: Gibbons, Rogers and Kethledge. Date issued by USCA 7/14/10 (Attachments: # 1 Judgment) (C,KA). Modified text on 7/28/2010 (H,SP). (Entered: 07/14/2010)
09/07/2010	219	True Copy of mandate from USCA for the Sixth Circuit: Affirming the judgment of the District Court as to Mark D. Lay re 186 Notice of Appeal (USCA# 08-3892). Date issued as mandate 9/7/10, Costs: None (Related document 218) (H,SP) (Entered: 09/07/2010)
03/02/2011	220	Appeal Remark from US Supreme Court: The petition for a writ of certiorari as to Mark D. Lay was filed on 11/23/10 and placed on the docket 11/29/10 as No. 10-695 (H,SP) (Entered: 03/02/2011)

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03/02/2011	221	Appeal Order from US Supreme Court: The petition for a writ of certiorari as to Mark D. Lay is denied re 220 (No. 10-695) (H,SP) (Entered: 03/02/2011)
05/17/2011	222	Appeal Order from the US Supreme Court: The petition for rehearing is denied as to Mark D. Lay re 221 (No. 10-695) (H,SP) (Entered: 05/17/2011)
05/15/2012	223	FILING ERROR. Wrong event selected - attorney to refile. Motion to Vacate <i>Sentence and Fine</i> by Mark D. Lay. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Kerger, Richard) Modified on 5/16/2012 (S,He). (Entered: 05/15/2012)
05/16/2012	224	Motion to Vacate under 28 U.S.C. 2255 by Mark D. Lay. (Attachments: # 1 Exhibit A - MDL-OBWC Investment Advisors Agreement, # 2 Exhibit B - ADF Offering Memorandum, # 3 Exhibit C - ADF Investors Advisors Agreement, # 4 Exhibit D - Subscription Agreement, # 5 Exhibit E - News Articles, # 6 Exhibit F - Personal Data)(Kerger, Richard) Civil case 1:12-cv-01216-DDD opened. (Entered: 05/16/2012)
05/17/2012	225	Order as to Mark D. Lay that Respondent United States of America is granted leave until July 18, 2012 to file its response to petitioner's § 2255 motion. Signed by Judge David D. Dowd, Jr. on 5/17/2012. (M,De) (Entered: 05/17/2012)
07/17/2012	226	Response by United States of America to Motion to Vacate under 28 U.S.C. 2255 224 as to Mark D. Lay (Bacon, Antoinette) (Entered: 07/17/2012)
08/01/2012	227	Reply to response to Motion to Vacate under 28 U.S.C. 2255 224 as to Mark D. Lay (Attachments: # 1 Exhibit Order)(Kerger, Richard) (Entered: 08/01/2012)
08/17/2012	228	Order as to Mark D. Lay that the government is granted leave until 9/14/2012 to file a substantive response to the petition, and the petitioner is granted leave to file reply brief until 10/5/2012 (see Order for details). Judge David D. Dowd, Jr. on 8/16/2012. (Related documents 224 , 226 , 227) (S,He) (Entered: 08/17/2012)
09/13/2012	229	Response by United States of America to Motion to Vacate under 28 U.S.C. 2255 224 as to Mark D. Lay (Bacon, Antoinette) (Entered: 09/13/2012)
10/05/2012	230	Motion for Extension of Time to File Response/Reply as to 229 Response to Motion to Vacate <i>Sentence and Fine</i> by Mark D. Lay. (Kerger, Richard) (Entered: 10/05/2012)
10/05/2012	231	Marginal Entry Order granting 230 defendant's Motion for extension of time to file his reply in support of his motion to vacate sentence and fine as to Mark D. Lay (1). Judge David D. Dowd, Jr. on 10/5/2012. (S,He) (Entered: 10/05/2012)
10/09/2012	232	Reply to response to Motion to Vacate under 28 U.S.C. 2255 224 as to Mark D. Lay (Kerger, Richard) (Entered: 10/09/2012)
10/19/2012	233	Motion for Release from Custody <i>on Bail Pending Disposition of Motion to Vacate</i> by Mark D. Lay. (Attachments: # 1 Exhibit Second Circuit Order, # 2 Exhibit Inmate Records)(Kerger, Richard) (Entered: 10/19/2012)
10/22/2012	234	Order denying 233 Motion for Release from Custody as to Mark D. Lay. Signed by Judge David D. Dowd, Jr. on 10/22/2012. (M,De) (Entered: 10/22/2012)
12/27/2012	235	Supplement Memorandum of Defendant in Support of 224 Motion to Vacate Sentence and Fine as to Mark D. Lay (Kerger, Richard) Modified to add link on 12/28/2012 (H,KR). (Entered: 12/27/2012)
01/02/2013	236	Order as to Mark D. Lay regarding ECF# 235 Supplemental Memorandum In Support of Motion to Vacate Sentence and Fine filed by Mark D. Lay. Counsel for the government is granted leave until January 25, 2013, to file a response to the Supplemental Memorandum. Signed by Judge David D. Dowd, Jr. on 1/2/2013. (M,De) (Entered: 01/02/2013)

01/22/2013	237	Response to Defendant's 235 Supplemental Memorandum. (Bacon, Antoinette) Modified text to match document on 1/22/2013 (H,KR). (Entered: 01/22/2013)
02/11/2013	238	Reply to 237 Government's response to 235 Supplement Memorandum of Defendant in support of 224 Motion to Vacate sentence and fine as to Mark Lay. (Attachments: # 1 Exhibit Court of Appeals Docket Sheet, # 2 Exhibit Reply Brief, # 3 Exhibit Legal Analysis)(Kerger, Richard) Modified on 2/12/2013 (H,KR). (Entered: 02/11/2013)
08/21/2013	239	Memorandum Opinion denying without prejudice Motion to Vacate (2255) as to Mark D. Lay. Signed by Judge David D. Dowd, Jr. on 8/21/2013. (M,De) Civil Case 1:12-cv-01216-DDD closed. Modified text on 8/30/2013 (M,De). (Entered: 08/21/2013)
08/21/2013	240	Judgment Entry as to Mark D. Lay that for the reasons set forth in the 239 memorandum opinion filed contemporaneously with this judgment entry, the motion for habeas relief under the provisions of 28 U.S.C. § 2255 is denied without prejudice. Signed by Judge David D. Dowd, Jr. on 8/21/2013. (M,De) (Entered: 08/21/2013)
08/26/2013	241	NOTICE OF APPEAL to the Sixth Circuit Court of Appeals from the 239 Memorandum of Opinion and 240 Judgment Entry fo 8/21/13, filed by Mark D. Lay [1:12cv1216]. (Filing fee of \$455 paid, receipt number 0647-6154561) (Kerger, Richard). Modified text on 8/27/2013 (H,SP). (Entered: 08/26/2013)
08/27/2013		Transmission of Notice of Appeal as to Mark D. Lay emailed to US Court of Appeals re 241 (H,SP) (Entered: 08/27/2013)
08/30/2013	242	Acknowledgment from USCA for the Sixth Circuit of receipt of 241 Notice of Appeal as to petitioner Mark D. Lay (USCA# 13-4021). Date filed in USCA 8/29/13. (H,SP) (Entered: 08/30/2013)
08/30/2013	243	Appeal Order from the USCA for the Sixth Circuit: The appeal as to Mark D. Lay is being held in abeyance and further remanded to the District Court for the sole purpose of determining whether to grant or deny a certificate of appealability re 241 Notice of Appeal (USCA# 13-4021). Date issued by USCA 8/29/13 (H,SP) (Entered: 08/30/2013)
08/30/2013	244	Order as to Mark D. Lay regarding 239 Order denying Motion to vacate filed pursuant to 28 U.S.C. Section 2255. This Court grants a certificate of appealability with respect to the issue raised by the petitioner-defendant to the effect that the district court lacked jurisdiction with respect to the offenses for which the defendant-petitioner was convicted and sentenced. The clerk is directed to forward forthwith a copy of this order to the clerk of the Sixth Circuit. (Copy to be sent by NEF). Signed by Judge David D. Dowd, Jr. on 8/30/2013. (M,De) (Entered: 08/30/2013)
12/16/2013	245	Notice of Substitution of Attorney. Antoinette T. Bacon and Benita Y. Pearson_AUSA removed from case, Matthew J. Cronin appearing for USA.(Cronin, Matthew) (Entered: 12/16/2013)
02/24/2014	246	Expedited Motion for an Amended Certificate of Appealability by Mark D. Lay. (Kerger, Richard) Modified text on 2/24/2014 (H,KR). (Entered: 02/24/2014)
02/25/2014	247	Response by United States of America in opposition to Expedited Motion for an Amended Certificate of Appealability 246 as to Mark D. Lay (Cronin, Matthew) (Entered: 02/25/2014)
02/25/2014	248	Reply to 247 Government's response in Opposition to 246 Expedited Motion for an Amended Certificate of Appealability as to Mark D. Lay. (Kerger, Richard) Modified text and added links on 2/26/2014 (H,KR). (Entered: 02/25/2014)
02/26/2014	249	Notice of Appearance of Attorney Antoinette T. Bacon appearing for USA. (Bacon, Antoinette) (Entered: 02/26/2014)

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02/28/2014	250	Marginal Entry Order Denying 246 Expedited Motion for an Amended Certificate of Appealability as to Mark D. Lay. Signed by Judge David D. Dowd, Jr. on 2/28/2014. (M,De) (Entered: 02/28/2014)
03/13/2014	251	NOTICE OF APPEAL to the Sixth Circuit Court of Appeals from the 250 Marginal Entry Order of 2/28/14, filed by petitioner Mark D. Lay. (Filing fee of \$505 paid, receipt number 0647-6448154) (Kerger, Richard). Modified text on 3/14/2014 (H,SP). (Entered: 03/13/2014)
03/14/2014		Transmission of Notice of Appeal as to petitioner Mark D. Lay emailed to US Court of Appeals re 251 (H,SP) (Entered: 03/14/2014)
