

Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

ALLAN B. THOMAS and
JOANN E. THOMAS,

Defendants.

NO. CR19-210 RAJ

**STIPULATED MOTION TO
CONTINUE TRIAL DATE AND
PRETRIAL MOTIONS DEADLINE**

Noting date: November 19, 2019

The United States of America and defendants ALLAN B. THOMAS and JOANN E. THOMAS, by and through their respective counsel, hereby file this *stipulated* motion for a continuance of the trial date and the pretrial motions deadline.

Trial in this matter currently is scheduled for December 30, 2019. Pretrial motions are due no later than November 21, 2019. For the reasons stated below, the parties jointly request a continuance of the trial date until May 11, 2020, or thereabouts as the Court has availability. The parties likewise request that the pretrial motions deadline be extended to March 2020 or a date in advance of any trial date set by the Court.

I. DISCUSSION

The aforementioned parties to this joint motion stipulate and agree as follows:

1. This case arises out of an investigation by the Federal Bureau of Investigation (FBI) into alleged misconduct by ALLAN B. THOMAS and JOANN E. THOMAS in connection with their roles with King County Drainage District 5/5A (“DD5”). Specifically, the United States has alleged that, from at least 2012 through January 2019, ALLAN B. THOMAS, with assistance of his wife, JOANN E. THOMAS, abused his public position as a Commissioner of DD5 by, among other things, submitting false invoices to King County requesting payment for work not performed and diverting the money received for the personal benefit of the Thomases.

2. On or about September 30, 2019, Special Agents with the Federal Bureau of Investigation arrested ALLAN B. THOMAS and JOANN E. THOMAS pursuant to a federal criminal Complaint charging the defendants with one count of Mail Fraud, in violation of Title 18, United States Code, Section 1341, related to the alleged scheme to defraud. At their initial appearance, the defendants were released on bond.

3. On about October 23, 2019, a Grand Jury sitting in this District returned an Indictment charging ALLAN B. THOMAS and JOANN E. THOMAS with one count of Mail Fraud, in violation of Title 18, United States Code, Section 1341. The defendants were arraigned on October 31, 2019, and they entered not guilty pleas and remained at liberty pending trial in this matter.

4. In the week leading up to the Indictment of the defendants, the United States produced over 17,000 pages of discovery to the defendants. The discovery also included native files, such as Excel spreadsheets containing a significant amount of information. Furthermore, the United States has informed the defendants that there are approximately seven to eight boxes of documents and approximately 500 GB¹ of

¹ This includes the total amount of electronic data on the seized electronic devices. The United States anticipates that the total amount of electronic evidence seized from the electronic devices will be significantly smaller.

1 | electronic data seized from the defendants' residence pursuant to a search warrant
2 | available for the defendants' review.

3 | 5. The parties, by and through counsel, stipulate to and jointly request a
4 | continuance of the trial date and motions deadline as set forth herein. For multiple
5 | reasons, including, but not limited to, the scope of the alleged misconduct at issue
6 | (approximately seven years) and the size and scope of discovery, a trial continuance is
7 | necessary and warranted.

8 | 6. As noted above and as set forth in the Indictment, this case alleged
9 | misconduct spanning seven plus years involving the submission of multiple fake invoices
10 | and numerous financial transactions in multiple bank accounts.

11 | 7. The discovery contains a certain amount of protected material, including
12 | bank accounts for a number of individuals and taxpayer information for hundreds of
13 | individuals, which the parties anticipate will be governed by a Protective Order. The
14 | handling and storage of protected material will affect defense counsel's review of
15 | discovery, particularly with the clients.

16 | 8. In addition, the United States anticipates seeking a superseding Indictment
17 | at some point prior to trial which will include a number of additional counts, including,
18 | additional mail and wire fraud counts, money laundering counts, aggravated identity theft
19 | counts, and possibly tax counts.

20 | 9. Given the circumstances, including the nature of the charges and the
21 | volume of discovery, a continuance is warranted and necessary in this case. Undersigned
22 | defense counsel require additional time to assess the charges and the evidence, to review
23 | the discovery with the defendants, and to conduct follow-up investigation, if necessary, in
24 | order effectively to represent the defendants in this matter.

25 | 10. Undersigned counsel, having conferred with one another, respectfully
26 | request a new trial date of May 11, 2020, or as the Court has availability. The parties
27 | further request a continuance of the pretrial motions deadline to March 2020, or
28 | otherwise to a date substantially in advance of the rescheduled trial date.

1 11. Undersigned defense counsel have discussed with their clients the proposed
2 continuance and their rights under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The
3 defendants agree with this proposed course of action and have executed waivers through
4 May 31, 2020.

5 12. The parties agree that (a) the failure to grant a continuance in this case will
6 deny defense counsel the reasonable time necessary for effective preparation for trial and
7 other pretrial proceedings, taking into account the exercise of due diligence; (b) the ends
8 of justice served by granting this continuance outweigh the interest of the public and the
9 defendant in a speedy trial; and, (c) that failure to grant a continuance in this proceeding
10 could result in a miscarriage of justice; all within the meaning of 18 U.S.C. § 3161(h)(7).

11 **II. CONCLUSION**

12 For the above stated reasons, the parties respectfully request that the Court find
13 that the ends of justice served by continuing the trial date outweigh the best interests of
14 the public and the defendant in a speedy trial.

15 It is further requested that the Court find, for the purpose of computing the time
16 limitations imposed by the Speedy Trial Act, that the period of delay from the date of the
17 filing of this motion until the new trial date is excludable pursuant to 18 U.S.C.
18 § 3161(h)(7)(A) and (h)(7)(B)(i),(ii), and (iv).

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1 As discussed above, the parties ask that the trial date be continued until May 11,
2 2020, or thereabouts as the court has availability.

3 DATED: November 19, 2019.

4 Respectfully submitted,

5 BRIAN T. MORAN
6 United States Attorney

7
8 s/ Justin W. Arnold

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23 Attorneys for Defendant Allan Thomas

24 s/ Terrence Kellogg

25 Terrence Kellogg
26 Attorney for Defendant Joann Thomas
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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

/s/ Elizabeth Gan
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