

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

AARON SWARTZ)

Criminal No. 11-10260-NMG)

DISMISSAL

Pursuant to FRCP 48(a), the United States Attorney for the District of Massachusetts, Carmen M. Ortiz, hereby dismisses the case presently pending against Defendant Aaron Swartz. In support of this dismissal, the government states that Mr. Swartz died on January 11, 2013.

Respectfully submitted,

1/14/13
Date

Carmen M. Ortiz
CARMEN M. ORTIZ
United States Attorney

Stephen P. Heymann
STEPHEN P. HEYMANN
Assistant U.S. Attorney

Leave to File Granted:

N. M. Gorton 1/14/13
Nathaniel M. Gorton, Judge
United States District Court

CASREF,CLOSED,VICTIM

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:11-cr-10260-NMG-1**

Case title: USA v. Swartz

Date Filed: 07/14/2011

Date Terminated: 01/14/2013

Assigned to: Judge Nathaniel
M. Gorton

Defendant (1)**Aaron Swartz***TERMINATED: 01/14/2013*represented by **Daniel E. Purcell**

Keker & Van Nest, LLP
633 Battery Street
San Francisco, CA 94111-1809
415-391-5400
Email: dpurcell@kvn.com
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained*

Elliot R. Peters

Keker & Van Nest LLP
633 Battery Street
San Francisco, CA 94111
415-391-5400
Email: epeters@kvn.com
*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained*

Martin G. Weinberg

Martin G. Weinberg, PC
20 Park Plaza

Suite 1000
Boston, MA 02116
617-227-3700
Fax: 617-338-9538
Email: owlmcba@att.net
TERMINATED: 11/01/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Michael J. Pineault
Clements & Pineault, LLP
24 Federal Street
Boston, MA 02110
857-445-0135
Fax: 857-366-5404
Email:
mpineault@clementspineault.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Andrew Good
Good & Cormier
3rd Floor
83 Atlantic Ave.
Boston, MA 02110
617-523-5933
Fax: 617-523-7554
Email: agood@goodcormier.com
TERMINATED: 11/03/2011
ATTORNEY TO BE NOTICED
Designation: Retained

Matthias A. Kamber
Keker & Van Nest LLP
710 Sansome Street
San Francisco, CA 94107
415-391-5400
Fax: 415-397-7188
Email: mkamber@kvn.com

*PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained*

Pending Counts

None

**Highest Offense Level
(Opening)**

None

Terminated Counts

18:1343 & 2...WIRE FRAUD
(1)

18:1343 & 2...WIRE FRAUD
(1s-2s)

18:1030(a)(4) &
2...COMPUTER FRAUD
(2)

18:1030(a)(2), (c)(2)(B)(iii) &
2 ...UNLAWFULLY
OBTAINING INFORMATION
FROM A PROTECTED
COMPUTER
(3)

18:1030(a)
(4),(b)&2...COMPUTER
FRAUD
(3s-7s)

18:1030(a)(5)(B),(c)(4)(A)(i)
(I)(VI) & 2 ...RECKLESSLY
DAMAGING A PROTECTED
COMPUTER
(4)

18:1030(a)(2),(b),(c)(2)
(B)(iii) & 2...UNLAWFULLY
OBTAINING INFORMATION

Disposition

Disposition

Dismissed on government
motion.

Dismissed on government
motion.

Dismissed on government
motion.

Dismissed on government
motion.

Dismissed on government
motion.

Dismissed on government
motion.

Dismissed on government
motion.

FROM A PROTECTED
COMPUTER

(8s-12s)

18:1030(a)(5),(B),(c)(4)(A)(i)
(I),(VI) &2...RECKLESSLY
DAMAGING A PROTECTED
COMPUTER

(13s)

Dismissed on government
motion.

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Scott Garland**

United States Attorney's Office
John J. Moakley U.S.

Courthouse

Suite 9200

Boston, MA 02210

617-748-3148

Fax: 617-748-3960

Email:

scott.garland@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Stephen P. Heymann

United States Attorney's Office
John Joseph Moakley Federal
Courthouse

1 Courthouse Way

Suite 9200

Boston, MA 02210

617-748-3100

Email:

Stephen.Heymann@usdoj.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/14/2011	1	MOTION to Seal Case as to Aaron Swartz by USA. (Smith3, Dianne) (Entered: 07/14/2011)
07/14/2011		Magistrate Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting 1 Motion to Seal Case as to Aaron Swartz (1) (Smith3, Dianne) (Entered: 07/14/2011)
07/14/2011	2	SEALED INDICTMENT as to Aaron Swartz (1) count(s) 1, 2, 3, 4. (Attachments: # 1 JS45)(Smith3, Dianne) (Entered: 07/14/2011)
07/14/2011	3	Arrest Warrant Issued by Magistrate Judge Timothy S. Hillman as to Aaron Swartz. (Smith3, Dianne) (Entered: 07/15/2011)
07/15/2011		ELECTRONIC NOTICE of Case Assignment as to Aaron Swartz; Judge Nathaniel M. Gorton assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Chief Magistrate Judge Judith G. Dein. (Rynne, Michelle) (Entered: 07/15/2011)
07/19/2011	4	MOTION to Unseal Case as to Aaron Swartz by USA. (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011		Ch. Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 4 Motion to Unseal Case as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011		Attorney update in case as to Aaron Swartz. Attorney Andrew Good added. (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011		Arrest of Aaron Swartz (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011		ELECTRONIC Clerk's Notes for proceedings held before Ch. Magistrate Judge Judith G. Dein:Initial Appearance as to Aaron Swartz held on 7/19/2011, Arraignment as to Aaron Swartz (1) Count 1,2,3,4 held on 7/19/2011, Plea entered by

		Aaron Swartz (1) Count 1,2,3,4. by Aaron Swartz Not Guilty on counts all. USMJ Dein informs the Dft. of his rights and charges; Dft. has retained counsel; Govt. states maximum penalties; Dft. is released on bond with conditions. 1st conference is set for 9/9/11 @ 10:00am(Attorneys present: Heyman and Good.)Court Reporter Name and Contact or digital recording information: Digital Recording. (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011	5	Appearance and Compliance Bond Entered as to Aaron Swartz in amount of \$ 100,000.00 (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011	6	Ch. Magistrate Judge Judith G. Dein: ORDER entered. ORDER Setting Conditions of Release as to Aaron Swartz. (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011	7	Ch. Magistrate Judge Judith G. Dein: ORDER entered. SCHEDULING ORDER as to Aaron Swartz Status Conference set for 9/9/2011 10:00 AM in Courtroom 15 before Ch. Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 07/19/2011)
07/19/2011	8	Ch. Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 7/19/11 until 8/16/11. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Entered: 07/19/2011)
07/20/2011	9	CORPORATE DISCLOSURE STATEMENT as to Aaron Swartz (Heymann, Stephen) (Entered: 07/20/2011)
07/20/2011	10	NOTICE OF ATTORNEY APPEARANCE Scott Garland appearing for USA. (Garland, Scott) (Entered: 07/20/2011)
07/21/2011	11	Assented to MOTION Unseal Warrants and Applications, MOTION to Unseal Document (Responses due by 8/4/2011) as to Aaron Swartz by USA. (Heymann, Stephen) (Entered: 07/21/2011)
07/21/2011	12	Motion for Victim Rights in case as to Aaron Swartz(Responses due by 8/4/2011), MOTION For Alternative Victim Notification as to Aaron Swartz by USA. (Heymann, Stephen) (Entered: 07/21/2011)

07/27/2011		Ch. Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 11 Motion as to Aaron Swartz (1) The US Attorney's Office is responsible to provide copies to the defendant and Middlesex District Attorney's Office. (Quinn, Thomas) (Entered: 08/02/2011)
07/27/2011		Ch. Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 12 Motion for Victim Rights as to Aaron Swartz (1); granting 12 Motion as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 08/02/2011)
08/16/2011	13	First MOTION for Excludable Delay as to Aaron Swartz by USA. (Attachments: # 1 Text of Proposed Order)(Heymann, Stephen) (Entered: 08/16/2011)
09/07/2011	14	STATUS REPORT (<i>Joint</i>) by USA as to Aaron Swartz (Garland, Scott) (Entered: 09/07/2011)
09/08/2011	15	MOTION <i>for Leave to Change Residential Address</i> as to Aaron Swartz. (Good, Andrew) (Entered: 09/08/2011)
09/09/2011		ELECTRONIC Clerk's Notes for proceedings held before Ch. Magistrate Judge Judith G. Dein: Status Conference as to Aaron Swartz held on 9/9/2011; Counsel report current case status and seek further conference for 11/2/11 @ 2:30pm. Motion hearing is set for 10/11/11 @ 11:00am. (Attorneys present: Garland, Heymann and Good.)Court Reporter Name and Contact or digital recording information: Digital Recording. (Quinn, Thomas) (Entered: 09/12/2011)
09/09/2011	16	Ch. Magistrate Judge Judith G. Dein: ORDER entered. STATUS REPORT as to Aaron Swartz Status Conference set for 11/2/2011 02:30 PM in Courtroom 15 before Ch. Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 09/12/2011)
09/09/2011	17	Ch. Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 8/16/11 until 11/2/11. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Entered: 09/12/2011)
09/20/2011		Ch. Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 15 Motion Change Residential Address as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 09/20/2011)

		09/20/2011)
09/27/2011	18	MOTION for Protective Order as to Aaron Swartz by USA. (Attachments: # 1 Text of Proposed Order)(Garland, Scott) (Entered: 09/27/2011)
09/27/2011	19	MOTION to Compel <i>Discovery</i> as to Aaron Swartz. (Attachments: # 1 Exhibit Proposed Order)(Good, Andrew) (Entered: 09/27/2011)
09/27/2011	20	MEMORANDUM in Support by Aaron Swartz re 19 MOTION to Compel <i>Discovery</i> (Attachments: # 1 Exhibit August 12, 2011 Letter (Good, Andrew) (Additional attachment(s) added on 9/28/2011: (Catino3, Theresa). (Main Document 20 replaced on 9/28/2011...incorrect exhibit attached per request of T. Quinn...) (Catino3, Theresa). (Entered: 09/27/2011)
10/06/2011	21	Opposition by Aaron Swartz re 18 MOTION for Protective Order (Attachments: # 1 Exhibit JSTOR Announcement) (Good, Andrew) (Entered: 10/06/2011)
10/06/2011	22	RESPONSE to Motion by USA as to Aaron Swartz re 19 MOTION to Compel <i>Discovery</i> (Heymann, Stephen) (Entered: 10/06/2011)
10/06/2011		Set/Reset Hearings as to Aaron Swartz Discovery Hearing set for 10/11/2011 11:00 AM in Courtroom 15 before Ch. Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 10/06/2011)
10/11/2011		ELECTRONIC Clerk's Notes for proceedings held before Ch. Magistrate Judge Judith G. Dein:Motion Hearing as to Aaron Swartz held on 10/11/2011 re 19 MOTION to Compel <i>Discovery</i> filed by Aaron Swartz, 18 MOTION for Protective Order filed by USA; USMJ Dein hears arguments from Dft., Govt. and victims counsel(Feigelson); supplemental filings are due 10/24/11 and further hearing is set for 11/2/11 @ 2:30pm. (Attorneys present: Garland and Good and Feigelson)Court Reporter Name and Contact or digital recording information: Digital Recording. (Quinn, Thomas) (Entered: 10/13/2011)
10/17/2011		Terminate Deadlines and Hearings as to Aaron Swartz: Discovery Hearing. (Moore, Kellyann) (Entered: 10/17/2011)

10/24/2011	23	Memorandum regarding Report to the Court re Discovery as to Aaron Swartz (Heymann, Stephen) (Entered: 10/24/2011)
10/24/2011	24	MOTION Discovery order re 19 MOTION to Compel <i>Discovery</i> as to Aaron Swartz. (Attachments: # 1 Exhibit Proposed Order, # 2 Exhibit August 12, 2011 Letter)(Good, Andrew) (Entered: 10/24/2011)
10/25/2011	25	NOTICE OF ATTORNEY APPEARANCE: Martin G. Weinberg appearing for Aaron Swartz. Type of Appearance: Retained. (Weinberg, Martin) (Entered: 10/25/2011)
10/27/2011	26	MOTION to Withdraw as Attorney by Andrew Good as to Aaron Swartz. (Good, Andrew) (Entered: 10/27/2011)
11/02/2011		ELECTRONIC Clerk's Notes for proceedings held before Ch. Magistrate Judge Judith G. Dein:Motion Hearing as to Aaron Swartz held on 11/2/2011 re 24 MOTION Discovery order re 19 MOTION to Compel <i>Discovery</i> filed by Aaron Swartz, 19 MOTION to Compel <i>Discovery</i> filed by Aaron Swartz; USMJ Dein hears arguments from counsel and victim and continues hearing to 11/8/11 @ 2:30pm. (Attorneys present: Garland and Weinberg.)Court Reporter Name and Contact or digital recording information: Digital Recording. (Quinn, Thomas) (Entered: 11/03/2011)
11/03/2011		Ch. Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 26 Motion to Withdraw as Attorney Attorney Andrew Good terminated as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 11/03/2011)
11/07/2011		Set/Reset Hearings as to Aaron Swartz Discovery Hearing set for 11/8/2011 02:30 PM in Courtroom 15 before Ch. Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 11/07/2011)
11/08/2011		ELECTRONIC Clerk's Notes for proceedings held before Ch. Magistrate Judge Judith G. Dein:Motion Hearing as to Aaron Swartz held on 11/8/2011 re 24 MOTION Discovery order re 19 MOTION to Compel <i>Discovery</i> filed by Aaron Swartz, 19 MOTION to Compel <i>Discovery</i> filed by Aaron Swartz; Counsel report they are working on an agreement on a protective order and the form which discovery will be produced.(Attorneys present: Garland and Weinberg.)Court

		Reporter Name and Contact or digital recording information: Digital Recording. (Quinn, Thomas) (Entered: 11/09/2011)
11/08/2011	27	Ch. Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 11/2/11 until 12/14/11. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Entered: 11/09/2011)
11/30/2011	28	Ch. Magistrate Judge Judith G. Dein: ORDER entered. PROTECTIVE ORDER as to Aaron Swartz (Quinn, Thomas) (Entered: 11/30/2011)
12/14/2011		ELECTRONIC Clerk's Notes for proceedings held before Ch. Magistrate Judge Judith G. Dein: Status Conference as to Aaron Swartz held on 12/14/2011; Counsel report discovery is ongoing and seek further conference for 1/25/12 @ 10:00am(Attorneys present: Garland and Weinberg.)Court Reporter Name and Contact or digital recording information: Digital Recording - for transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov. (Quinn, Thomas) (Entered: 12/14/2011)
12/14/2011	29	Ch. Magistrate Judge Judith G. Dein: ORDER entered. STATUS REPORT as to Aaron Swartz Status Conference set for 1/25/2012 10:00 AM in Courtroom 15 before Ch. Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 12/15/2011)
12/14/2011	30	Ch. Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 12/14/11 until 1/25/12. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Entered: 12/15/2011)
01/19/2012	31	Joint MOTION for Excludable Delay from January 25, 2012 to March 15, 2012 , Joint MOTION to Reschedule Next Interim Status Conference From January 25, 2012 Until March 15, 2012 (Responses due by 2/2/2012) as to Aaron Swartz by USA. (Heymann, Stephen) Modified on 1/20/2012 (Jones, Sherry). (Entered: 01/19/2012)
01/20/2012		Ch. Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 31 Motion to Exclude as to Aaron

		Swartz (1); granting 31 Motion to Continue as to Aaron Swartz (1)(Status Conference set for 3/15/2012 02:00 PM in Courtroom 15 before Ch. Magistrate Judge Judith G. Dein.) (Quinn, Thomas) (Entered: 01/20/2012)
01/20/2012	32	Ch. Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 1/25/12 until 3/15/12. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Entered: 01/20/2012)
02/01/2012	33	Assented to MOTION to Modify Conditions of Release (<i>Redacted</i>) as to Aaron Swartz. (Weinberg, Martin) (Entered: 02/01/2012)
02/07/2012		Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 33 Motion to Modify Conditions of Release as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 02/07/2012)
03/08/2012	34	STATUS REPORT <i>Filed Jointly by the Parties</i> by USA as to Aaron Swartz (Heymann, Stephen) (Entered: 03/08/2012)
03/16/2012	35	Magistrate Judge Judith G. Dein: ORDER entered. STATUS REPORT as to Aaron Swartz Status Conference set for 5/17/2012 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 03/19/2012)
03/16/2012	36	Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 3/1/12 until 5/17/12. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Main Document 36 replaced on 5/22/2012) (Quinn, Thomas). (Entered: 03/19/2012)
03/19/2012		Set/Reset Hearings as to Aaron Swartz Status Conference set for 5/17/2012 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 03/19/2012)
04/27/2012		ELECTRONIC NOTICE OF RESCHEDULING from 5/17/12 to 5/22/12 from as to Aaron Swartz Status Conference set for 5/22/2012 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 04/27/2012)

		04/27/2012)
05/16/2012	37	JOINT STATUS REPORT by Aaron Swartz (Weinberg, Martin) Modified docket text on 5/16/2012 (Moore, Kellyann). (Entered: 05/16/2012)
05/22/2012		ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Judith G. Dein: Status Conference as to Aaron Swartz held on 5/22/2012; Counsel report discovery is ongoing and seek further conference for 7/26/12 @ 2:30pm. (Attorneys present: Heymann and Weinberg.)Court Reporter Name and Contact or digital recording information: Digital Recording - for transcripts or CDs contact Deborah Scalfani (deborah_scalfani@mad.uscourts.gov). (Quinn, Thomas) (Entered: 05/22/2012)
05/23/2012	38	Magistrate Judge Judith G. Dein: ORDER entered. STATUS REPORT as to Aaron Swartz Status Conference set for 7/26/2012 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 05/23/2012)
05/23/2012	39	Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 5/17/12 until 7/26/12. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Entered: 05/23/2012)
06/01/2012	40	MOTION for Discovery as to Aaron Swartz. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Weinberg, Martin) (Entered: 06/01/2012)
06/22/2012	41	RESPONSE to Motion by USA as to Aaron Swartz re 40 MOTION for Discovery (Heymann, Stephen) (Entered: 06/22/2012)
07/25/2012	42	STATUS REPORT by Aaron Swartz (Weinberg, Martin) (Entered: 07/25/2012)
07/26/2012	43	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Judith G. Dein: Final Status Conference as to Aaron Swartz held on 7/26/2012, Motion Hearing as to Aaron Swartz held on 7/26/2012 re 40 MOTION for Discovery filed by Aaron Swartz; Counsel report current case status; USMJ Dein hears arguments on motion and takes

		<p>motion under advisement. Court Reporter Name and Contact or digital recording information: Digital Recording - for transcripts or CDs contact Deborah Scalfani (deborah_scalfani@mad.uscourts.gov). (Quinn, Thomas) (Entered: 07/27/2012)</p>
08/01/2012	44	<p>Magistrate Judge Judith G. Dein: ORDER entered. REPORT AND ORDER on Final Status Conference as to Aaron Swartz Discovery to be completed by 8/15/2012; dispositive motion are due 9/28/12 and Govt. response to dispositive motions due 10/30/12. (Quinn, Thomas) (Entered: 08/01/2012)</p>
08/01/2012	45	<p>Magistrate Judge Judith G. Dein: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from 7/26/12 until 10/30/12. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Quinn, Thomas) (Entered: 08/01/2012)</p>
08/01/2012	46	<p>Magistrate Judge Judith G. Dein: ORDER entered granting in part and denying in part 40 Motion for Discovery as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 08/01/2012)</p>
08/01/2012	47	<p>Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered finding as moot 18 Motion for Protective Order as to Aaron Swartz (1); finding as moot 19 Motion to Compel as to Aaron Swartz (1); finding as moot 24 Motion as to Aaron Swartz (1); finding as moot 11 Motion to Unseal Document as to Aaron Swartz (1); finding as moot 13 Motion to Exclude as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 08/01/2012)</p>
08/01/2012		<p>Judge update in case as to Aaron Swartz. Magistrate Judge Judith G. Dein no longer assigned to case. (Quinn, Thomas) (Entered: 08/01/2012)</p>
08/02/2012	48	<p>Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered acknowledging 44 Report and Order on Final Status Conference by Magistrate Judge as to Aaron Swartz (1) Interim Pretrial Conference set for 8/15/2012 02:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Patch, Christine) (Entered: 08/02/2012)</p>
08/15/2012	49	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Interin Pretrial Conference as to Aaron Swartz held on 8/15/2012. Counsel anticipate trial</p>

		<p>lasting 2 weeks. Jury Trial set for 2/4/2013 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton.</p> <p>Government's initial expert disclosures by 11/19/12, Defendant's by 12/10/12, and additional experts by 12/31/12. Motions in limine due by 1/14/2013; oppositions to Motions in Limine, Exhibit/Witness Lists, and proposed voir dire due by 1/21/2013; objections to exhibit/witness lists, proposed jury instructions, and proposed verdict form due by 1/21/2013. Government to file assented-to Motion to Exclude all time between 8/15/12 and 2/4/13. (Attorneys present: Weinberg, Heymann.)Court Reporter Name and Contact or digital recording information: Cheryl Dahlstrom (617-951-4555). (Patch, Christine) (Entered: 08/15/2012)</p>
08/15/2012		Terminate Deadlines and Hearings as to Aaron Swartz: Interim Pretrial Conference held on 8/15/12. (Patch, Christine) (Entered: 08/15/2012)
08/17/2012	50	Assented to MOTION for Speedy Trial <i>Exclusion</i> as to Aaron Swartz by USA. (Heymann, Stephen) (Entered: 08/17/2012)
08/24/2012	51	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 50 Motion for Speedy Trial as to Aaron Swartz (1) (Patch, Christine) (Entered: 08/24/2012)
08/24/2012	52	Judge Nathaniel M. Gorton: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Aaron Swartz. Time excluded from August 15, 2012 until February 4, 2013. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Patch, Christine) (Entered: 08/24/2012)
09/12/2012	53	SUPERSEDING INDICTMENT as to Aaron Swartz (1) count(s) 1s-2s, 3s-7s, 8s-12s, 13s. (Attachments: # 1 JS45)(Smith3, Dianne) (Entered: 09/12/2012)
09/12/2012	54	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered. Order Referring Case to Magistrate Judge Judith G. Dein Reason for referral: P as to Aaron Swartz (Smith3, Dianne) (Entered: 09/12/2012)
09/14/2012	55	Assented to MOTION for Extension of Time to File as to Aaron Swartz. (Weinberg, Martin) (Entered: 09/14/2012)
09/20/2012	56	ELECTRONIC NOTICE OF HEARING as to Aaron Swartz Arraignment set for 9/24/2012 11:00 AM in Courtroom 15

		before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 09/20/2012)
09/24/2012	57	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Judith G. Dein:Arraignment as to Aaron Swartz (1) Count 1s-2s,3s-7s,8s-12s,13s held on 9/24/2012, Plea entered by Aaron Swartz Not Guilty on counts all. (Attorneys present: Garland and Weinberg.)Court Reporter Name and Contact or digital recording information: Digital Recording - for transcripts or CDs contact Deborah Scalfani (deborah_scalfani@mad.uscourts.gov). (Quinn, Thomas) (Entered: 09/25/2012)
09/24/2012	58	Magistrate Judge Judith G. Dein: ELECTRONIC ORDER entered granting 55 Motion for Extension of Time as to Aaron Swartz (1) (Quinn, Thomas) (Entered: 09/25/2012)
09/25/2012		Judge update in case as to Aaron Swartz. Magistrate Judge Judith G. Dein no longer assigned to case. (Quinn, Thomas) (Entered: 09/25/2012)
10/05/2012	59	MOTION to Suppress as to Aaron Swartz. (Weinberg, Martin) (Entered: 10/05/2012)
10/05/2012	60	MOTION to Suppress as to Aaron Swartz. (Weinberg, Martin) (Entered: 10/05/2012)
10/05/2012	61	MOTION to Suppress as to Aaron Swartz. (Weinberg, Martin) (Entered: 10/05/2012)
10/05/2012	62	MOTION to Suppress as to Aaron Swartz. (Weinberg, Martin) (Entered: 10/05/2012)
10/05/2012	63	MOTION to Suppress as to Aaron Swartz. (Weinberg, Martin) (Entered: 10/05/2012)
10/05/2012	64	MOTION to Dismiss as to Aaron Swartz. (Weinberg, Martin) (Entered: 10/05/2012)
10/05/2012	65	ELECTRONIC NOTICE issued requesting courtesy copy for 63 MOTION to Suppress , 61 MOTION to Suppress , 62 MOTION to Suppress , 64 MOTION to Dismiss , 59 MOTION to Suppress , 60 MOTION to Suppress as to Aaron Swartz Counsel who filed these documents are requested to submit a courtesy copy of them to the Clerk's Office. These documents must be clearly marked as a Courtesy Copy

		and reflect the document number assigned by CM/ECF. (Patch, Christine) (Entered: 10/05/2012)
10/10/2012	67	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 66 Motion to Seal as to Aaron Swartz (1) (Patch, Christine) (Entered: 10/10/2012)
10/10/2012	68	Sealed EXHIBITS by Aaron Swartz 63 MOTION to Suppress filed by Aaron Swartz, 61 MOTION to Suppress filed by Aaron Swartz, 65 Notice requesting courtesy copy,, 62 MOTION to Suppress filed by Aaron Swartz, 64 MOTION to Dismiss filed by Aaron Swartz, 59 MOTION to Suppress filed by Aaron Swartz, 60 MOTION to Suppress filed by Aaron Swartz (Patch, Christine) (Entered: 10/10/2012)
10/31/2012	69	NOTICE OF ATTORNEY APPEARANCE: Matthias A. Kamber appearing for Aaron Swartz. Type of Appearance: Retained. (Kamber, Matthias) (Entered: 10/31/2012)
10/31/2012	70	MOTION to Withdraw as Attorney by Martin Weinberg as to Aaron Swartz. (Weinberg, Martin) (Entered: 10/31/2012)
11/01/2012	71	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 70 Motion to Withdraw as Attorney Attorney Martin G. Weinberg terminated as to Aaron Swartz (1) (Patch, Christine) (Entered: 11/01/2012)
11/08/2012	72	Assented to MOTION Extension of Response Brief Deadline, Permission to File Response Brief Exceeding Local Rule's Page Limits, and Filing a Reply Brief re 63 MOTION to Suppress , 61 MOTION to Suppress , 62 MOTION to Suppress , 64 MOTION to Dismiss , 59 MOTION to Suppress , 60 MOTION to Suppress as to Aaron Swartz by USA. (Garland, Scott) (Entered: 11/08/2012)
11/08/2012	73	NOTICE OF ATTORNEY APPEARANCE: Michael J. Pineault appearing for Aaron Swartz. Type of Appearance: Retained. (Pineault, Michael) (Entered: 11/08/2012)
11/08/2012	74	Assented to MOTION for Leave to Appear Pro Hac Vice by Elliot R. Peters Filing fee \$ 100, receipt number 0101-4195066. as to Aaron Swartz. (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Pineault, Michael) (Entered: 11/08/2012)

11/08/2012	75	Assented to MOTION for Leave to Appear Pro Hac Vice by Daniel E. Purcell Filing fee \$ 100, receipt number 0101-4195073. as to Aaron Swartz. (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Pineault, Michael) (Entered: 11/08/2012)
11/09/2012	76	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 74 Motion for Leave to Appear Pro Hac Vice Added Elliot R. Peters. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. as to Aaron Swartz (1); granting 75 Motion for Leave to Appear Pro Hac Vice Added Daniel E. Purcell. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. as to Aaron Swartz (1) (Moore, Kellyann) (Entered: 11/09/2012)
11/13/2012	77	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting in part and denying in part 72 Assented to MOTION Extension of Response Brief Deadline, Permission to File Response Brief Exceeding Local Rule's Page Limits, and Filing a Reply Brief as to Aaron Swartz by USA. "The Government may file a consolidated brief in opposition to defendant's motions to suppress and it may do so by November 16. Defendant is granted leave to file a reply brief by December 3. The Government's consolidated brief, however, may not exceed 55 pages and the Defendant's reply is not to exceed 10 pages." (Moore, Kellyann) (Entered: 11/13/2012)
11/16/2012	81	RESPONSE to Motion by USA as to Aaron Swartz re 63 MOTION to Suppress , 61 MOTION to Suppress , 59 MOTION to Suppress , 62 MOTION to Suppress , 60 MOTION to Suppress (Attachments: # 1 Exhibit JSTOR Policy Before Download, # 2 Exhibit JSTOR Policy Cover Sheet, # 3 Exhibit JSTOR's Terms of Service, # 4 Exhibit

		MIT's Guest Rules of Use, # 5 Exhibit Guerilla Open Access Manifesto, # 6 Exhibit MIT Guest Registration, # 7 Exhibit MIT Registration and DHCP Log Excerpts, # 8 Exhibit Building 16 Door and No Trespassing Sign, # 9 Exhibit Wiring Closet Exterior, # 10 Exhibit Wiring Closet Interior and Cardboard Box, # 11 Exhibit Equipment in Closet, # 12 Exhibit Network Cable and Network Switch, # 13 Exhibit January 4 Entrance, # 14 Exhibit January 6 Entrance, # 15 Exhibit January 6 Packing, # 16 Exhibit January 6 Exit, # 17 Exhibit Equipment in Building 20, # 18 Exhibit MIT Records Policy, # 19 Exhibit Arrest Report, # 20 Exhibit B&E Legislative History, # 21 Exhibit USB Drive Search Warrant, # 22 Exhibit MIT Policy)(Garland, Scott) (Entered: 11/16/2012)
11/16/2012	82	RESPONSE to Motion by USA as to Aaron Swartz re 64 MOTION to Dismiss <i>Counts 1 and 2</i> (Heymann, Stephen) (Entered: 11/16/2012)
11/30/2012	85	Assented to MOTION for Hearing <i>Status Conference</i> as to Aaron Swartz by USA. (Heymann, Stephen) (Entered: 11/30/2012)
12/03/2012	86	MOTION for Leave to File <i>REPLY BRIEFING AND EXHIBIT UNDER SEAL</i> as to Aaron Swartz. (Peters, Elliot) (Entered: 12/03/2012)
12/03/2012	87	REPLY TO RESPONSE to Motion by Aaron Swartz re 63 MOTION to Suppress , 61 MOTION to Suppress , 62 MOTION to Suppress , 64 MOTION to Dismiss , 59 MOTION to Suppress , 60 MOTION to Suppress <i>DEFENDANT'S REPLY IN SUPPORT OF MOTIONS TO SUPPRESS AND MOTION TO DISMISS COUNTS 1 AND 2 OF SUPERSEDING INDICTMENT [REDACTED VERSION]</i> (Peters, Elliot) (Entered: 12/03/2012)
12/03/2012	88	MOTION to Continue <i>DEFENDANT'S MOTION FOR CONTINUANCE OF TRIAL DATE AND EXPERT DISCLOSURE DEADLINE</i> to June 10, 2013 to Continue trial date as to Aaron Swartz. (Peters, Elliot) (Entered: 12/03/2012)
12/03/2012	89	MEMORANDUM in Support by Aaron Swartz re 88 MOTION to Continue <i>DEFENDANT'S MOTION FOR CONTINUANCE</i>

		<i>OF TRIAL DATE AND EXPERT DISCLOSURE DEADLINE</i> to June 10, 2013 to Continue trial date (Peters, Elliot) (Entered: 12/03/2012)
12/03/2012	90	RESPONSE to Motion by Aaron Swartz re 85 Assented to MOTION for Hearing <i>Status Conference DEFENDANT'S RESPONSE TO GOVERNMENT'S MOTION FOR A STATUS CONFERENCE</i> (Peters, Elliot) (Entered: 12/03/2012)
12/03/2012	91	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 85 Motion for Hearing as to Aaron Swartz (1) (Patch, Christine) (Entered: 12/03/2012)
12/03/2012	92	ELECTRONIC NOTICE OF HEARING as to Aaron Swartz Status Conference set for 12/14/2012 02:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Patch, Christine) (Entered: 12/03/2012)
12/04/2012	93	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 86 Motion for Leave to File Reply Briefing and Exhibit Under Seal. (Patch, Christine) (Entered: 12/04/2012)
12/04/2012	94	SEALED REPLY in Support of 63 MOTION to Suppress , 61 MOTION to Suppress , 62 MOTION to Suppress , 64 MOTION to Dismiss , 59 MOTION to Suppress , 60 MOTION to Suppress by Aaron Swartz. (Attachments: # 1 Exhibit 1, # 2 Cover Letter)(Moore, Kellyann) (Entered: 12/04/2012)
12/05/2012	95	RESPONSE to Motion by USA as to Aaron Swartz re 88 MOTION to Continue <i>DEFENDANT'S MOTION FOR CONTINUANCE OF TRIAL DATE AND EXPERT DISCLOSURE DEADLINE</i> to June 10, 2013 to Continue trial date (Heymann, Stephen) (Entered: 12/05/2012)
12/14/2012	96	ELECTRONIC Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton: Interim Status Conference as to Aaron Swartz held on 12/14/2012 (Attorneys present: Hayman, Peters, Pineault, Purcell (by phone).)Court Reporter Name and Contact or digital recording information: Cheryl Dahlstrom (617-951-4555). Court is in session. Court hears from the parties as to the necessity of an evidentiary hearing. Court orders hearing on 1/25/2013 at 1:00 p.m. Experts designated by 1/25/2013. Trial to begin on 4/1/2013.

		(Hohler, Daniel) (Entered: 12/14/2012)
12/14/2012	97	ELECTRONIC NOTICE OF HEARING as to Aaron Swartz Evidentiary Hearing set for 1/25/2013 01:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. Jury Trial set for 4/1/2013 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Hohler, Daniel) (Entered: 12/14/2012)
12/17/2012	98	Judge Nathaniel M. Gorton: ORDER entered. NOTICE. Please see order for details. (Moore, Kellyann) (Entered: 12/18/2012)
12/18/2012	99	Set/Reset Deadlines/Hearings as to Aaron Swartz: Expert Witness List due by 1/25/2013. Evidentiary Hearing set for 1/25/2013 01:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Moore, Kellyann) (Entered: 12/18/2012)
01/07/2013	100	MOTION for Leave to File <i>DEFENDANT AARON SWARTZ'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTIONS TO SUPPRESS</i> as to Aaron Swartz. (Attachments: # 1 Exhibit 1)(Peters, Elliot) (Entered: 01/07/2013)
01/10/2013	101	Assented to MOTION for Leave to File <i>Response to Defendant's Supplemental Memorandum in Support of His Motion to Dismiss</i> as to Aaron Swartz by USA. (Attachments: # 1 Government's Response, # 2 Exhibit A to Government's Response, # 3 Exhibit B to Government's Response) (Heymann, Stephen) (Entered: 01/10/2013)
01/11/2013	102	Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting 100 Motion for Leave to File as to Aaron Swartz (1); granting 101 Motion for Leave to File as to Aaron Swartz (1); Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document (Patch, Christine) (Entered: 01/11/2013)
01/11/2013	103	Supplemental MEMORANDUM in Support by Aaron Swartz re 63 MOTION to Suppress <i>DEFENDANT AARON SWARTZ'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTIONS TO SUPPRESS</i> (Attachments: # 1

		Exhibit A)(Peters, Elliot) (Entered: 01/11/2013)
01/11/2013	104	Supplemental MEMORANDUM in Opposition by USA as to Aaron Swartz re 63 MOTION to Suppress No. 5 (Attachments: # 1 Exhibit Evidence Transfer Chronology, # 2 Exhibit Finger Print Report Excerpt)(Heymann, Stephen) (Entered: 01/11/2013)
01/14/2013	105	DISMISSAL as to Aaron Swartz (Heymann, Stephen) (Entered: 01/14/2013)
01/14/2013	106	Judge Nathaniel M. Gorton: ORDER entered. DISMISSAL OF COUNTS on Government Motion as to Aaron Swartz. Counts dismissed: All counts dismissed. (Patch, Christine) (Entered: 01/14/2013)

PACER Service Center

Transaction Receipt

01/14/2013 17:57:15

PACER Login:	ud0006	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cr-10260-NMG
Billable Pages:	11	Cost:	1.10