CRIMINAL STATUS MINUTE ENTRY

Before EDNY, U.S. District Judge Kiyo A. Matsumoto, Courtroom 6B South

Date: 10/30/2026 **Time in Court:** 9:40 AM – 1:30 PM

Docket Number: 25-cr-346

Case Title: USA v. Clase de la Cruz, et al.

Court Reporter: Stacy Mace

Plaintiff/Government represented by: AUSAs Eric Silverberg, Sean Sherman, Rebecca Urquiola, James Simmons

Defendant Clase de la Cruz represented by: Lindsay Gerdes, Michael Ferrara, Michael Bronson, Riley Able

Defendant Ortiz represented by: Elizabeth Geddes, Christos Georgalis, Paul Flannery, Samuel Landes, Sarah Mink

Defendant Vasquez represented by: Todd Spodek

Type of Hearing Held: Final Pretrial Conference

TEXT:

Minute Entry for proceeding held before Judge Kiyo A. Matsumoto: Criminal Final Pre-Trial Conference held on October 30, 2026. Case called. AUSAs Sean Sherman, Esq., Eric Silverberg, Esq., Rebecca Urquiola, Esq., and James Simmons, Esq., appeared on behalf of the Government. Lindsay Gerdes, Esq., Michael Ferrara, Esq., Michael Bronson, Esq., and J. Riley Able, Esq., appeared on behalf of Defendant Emmanuel Clase de la Cruz. Elizabeth Geddes, Esq., Christos Georgalis, Esq., Paul Flannery, Esq., Samuel Landes, Esq., and Sara Mink, Esq., appeared on behalf of Defendant Luis Leandro Ortiz Ribera. Todd Spodek, Esq., appeared on behalf of Defendant Robinson Vasquez Germosen. Sean McCarthy appeared as the Spanish Interpreter.

The Court held discussions with the parties regarding the logistics of jury selection, the trial schedule, and reviewed the witness lists submitted by the parties.

The Government informed the Court that it was no longer anticipating calling Bettor-1 as a witness. Defendants stated that they may call Bettor-1 as a witness, but that, based on discussions with Bettor-1's counsel, Defendants believe that Bettor-1 will

invoke his Fifth Amendment rights, which Defendants assert would be contrary to his cooperation agreement with the Government.

The Court requested that the Government to confirm the names of the witnesses designated as Bettor-3 and Bettor-4. The Government agreed to file a letter clarifying the identities of Bettor-3 and Bettor-4.

Defendants renewed their request for the CJA financial affidavit of Bettor-2, who is a defendant in a related criminal case. According to the Government, Bettor-2's counsel did not object to Defendants' initial request. The Court, however, denied the motion on the basis that guidance from the Administrative Office of the Courts indicates that CJA financial affidavits are presumptively not public. (*See* Sept. 22, 2026 Order.) At the pre-trial conference, Defendant Clase argued that *United States v. Suarez*, 880 F.2d 626 (2d Cir. 1989) holds otherwise, but the Court concludes that *Suarez* is not on point. There, the Second Circuit held that the public has a presumption of public access to "CJA forms . . . provid[ing] a summary cover-sheet listing the amounts sought and approved for payment," "after payment has been approved," which typically happens after trial, because of the "public's strong interest in how its funds are being spent." *Id.* at 631. Notwithstanding that *Suarez* does not compel the Court to unseal Bettor-2's CJA financial affidavit, the Court will re-consider whether Bettor-2's financial affidavit should be disclosed to Defendants after it receives a letter-filing from Bettor-2's counsel stating Bettor-2's position on the disclosure.

The parties made arguments regarding the Government's motion in limine to admit translations into evidence. Defendant Ortiz stated that he objected to four lines of translations, and Defendant Clase stated that his exhibit is a subset of what the Government has already certified to Defendants as an accurate translation, rather than part of the Government's "proposed final" translations, which the Government represented were not certified as accurate by any expert linguist.

During the conference, the Second Circuit issued an order that denied Defendant Ortiz's motion for an administrative stay of district court proceedings, referred Defendant Ortiz's motion to stay to a three-Judge panel, granted the parties' motions to seal, and denied as moot the Government's motion to expedite. The parties discussed the meaning of the Second Circuit's order, and the Court requested that the parties file a letter seeking clarification from the Second Circuit about the effect of its order. Defendant Ortiz requested that the Court extend the stay of the its October 9, 2026 Order, such that no party may publish or use the text message communications between Defendant Ortiz and his wife in open court, until opening

statements begin, or until the Second Circuit rules on Defendant Ortiz's motion for a stay of the Court's October 9, 2026 Order and his petition for a writ of mandamus, whichever is earlier. The Government did not object to extending the stay until opening statements are made. For the reasons discussed on the record, the Court **GRANTS IN PART** Defendant Ortiz's request, and extends the stay of the Court's October 9, 2026 Order until after the jury is selected, or the Second Circuit rules on Defendant Ortiz's motion for a stay or petition for a writ of mandamus, whichever is earlier. The motion is otherwise **DENIED**. To effectuate the extension of the stay, the October 9, 2026 Order shall also remain under seal until the stay has expired.

The parties also discussed their remaining objections to the authenticity of exhibits. The parties agreed to continue conferring on the authenticity of exhibits.

The Government moved to admit evidence provided by Defendant Clase's tax preparer as Rule 404(b) evidence that may be relevant to a financial motive for Defendant Clase's alleged participation in the scheme. Defendant Clase objected and cross-moved to preclude this evidence, arguing that the Government was on notice of any tax issues in January 2026 and the information could have been obtained, and Rule 404(b) notice could have been provided by the Court's deadline. Defendant Clase argued that the Government's motion to admit Rule 404(b) evidence from Defendant Clase's tax preparer is two months late pursuant to the Court's ordered deadlines, and prejudicial to Defendant Clase's trial preparation. The Court agreed, and granted Defendant Clase's motion to preclude. The Government reserved the right to present evidence from Defendant Clase's tax preparer in its rebuttal should Defendant Clase open the door by arguing that Defendant Clase lacked financial motive for engaging in the alleged pitch-rigging scheme.

The Court ordered the Government to provide the names of the witnesses it intends to call in the first two days of trial to assist with Defendants' trial preparation.

The parties discussed the Government's use of its own retained, certified interpreters for testimony by Government witnesses. The Court ordered the Government to use Court interpreters instead. The Court has subsequently vacated its order based on the Court Interpreter's Act, 28 U.S.C. § 1827(c)(2), which requires the Government to provide certified interpreters for its own witnesses. (*See* Oct. 30, 2026 Order regarding Interpreters.)

(Time: 9:40 AM – 1:30 PM) (Court Reporter Stacy Mace.)