

James J. Binns

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La Salle College High School - 1957

La Salle University - B.S.- 1961 magna cum laude

Villanova Law School – J.D.- 1964

La Salle University - M.A.- 1988

DCCC Police Academy- MPOETC- 2013

Northwestern University Police Motorcycle Operator School- 2016

Northwestern University Police Motorcycle Instructor School- 2017

EDUCATION

Mr. Binns is a graduate of LaSalle University (61'), where he earned his B.S. *magna cum laude* and was inducted into the Alpha Epsilon Honor Society. He earned his M.A. at LaSalle University in Bi-cultural Communications (88'). He endowed an academic scholarship and dedicated the James J. Binns Fitness Center (1992) at LaSalle University. During the tenure of Brother Patrick Ellis, F.S.C. as University President, Mr. Binns served as a member of LaSalle University's Board of Trustees (1980 – 1995). He graduated from Villanova Law School (64') and graduated from the Delaware County Community College Police Academy (13') where he was inducted into the Phi Theta Kappa Honor Society. Mr. Binns donated an academic scholarship to the college and has been appointed to the teaching faculty. He is certified as a General Instructor by the Municipal Police Officer's Education and Training Commission (MPOETC) (17'). He graduated from the Northwestern University Police Motorcycle Operator School (16'). He graduated from the Northwestern University Police Motorcycle Instructor School and is currently certified as an Instructor of Police Motorcycle Operators.

Languages French, Italian and Spanish.

PROFESSIONAL

Mr. Binns is a Philadelphia lawyer who specializes in litigation. Mr. Binns has been rated AV Preeminent for the past 50 years by Martindale-Hubbe, the world's most trusted legal Peer Review Rating process. He is acknowledged to be among the top 5% of Pennsylvania attorneys and as a Super Lawyer by his peers at the Philadelphia Bar. He is licensed to practice in the State and Federal Courts of: Alaska, California, Colorado, District of Columbia, Florida, Georgia, Iowa, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Tennessee, Texas and West Virginia; all U.S. Circuit Courts of Ap-

peals, the Supreme Court of the United States of America, U.S. District Court for the District of Puerto Rico, U.S. Bankruptcy Court, U.S. Tax Court, U.S. Court of Federal Claims. He served as Chair of the Judicial Selection Commission, Philadelphia Bar Association in 1978; He also Chaired a Hearing Committee of the Disciplinary Board of the Supreme Court of Pennsylvania 1982 – 1984; He serves as a Member of the Federal Courts Committee of the Philadelphia Bar Association 1996 –; He was the Chief Judge’s Delegate to the Third Circuit Judicial Conference in 1998 and 1999; He was the Chief Judge’s appointment to The Third Circuit Court of Appeals Lawyers Advisory Committee from 2000–2004; He is a Member of the Villanova Sports & Entertainment Law Journal Advisory Board, 2005-).

Since 1965 his areas of practice have included White Collar criminal cases, Complex and Multi-District litigation involving claims of Securities Fraud, Price-Fixing, Mass Torts, Legal Malpractice, Personal Injury, Medical Malpractice, Ponzi Schemes, Sports related issues and Family Law. Mr. Binns enjoys an international reputation for handling high profile cases with an emphasis on jury trials. He has served as lead and co-lead counsel in a number of nationwide class actions involving claims of Securities Fraud and Price-Fixing. His Criminal Law practice includes a number of trials to verdict as well as counseling individuals subpoenaed to testify before state and federal Grand Juries. In 1971 he successfully brought a class action in the USDC for the EDPA to rescind a sixteen million dollar (\$16,000,000.00) insurance policy issued by Lloyds of London to the Penn Central Company. That lawsuit (*Bird v. Penn Central*) resulted in a landmark decision governing the law applicable to Directors and Officers liability insurance which remains viable law throughout the insurance industry. In 1978 he brought an anti-trust suit in the USDC for the EDPA on behalf of the Philadelphia Eagles against banks who were accused of freezing them out from financing. In 1980 he defended United States Congressman Raymond Lederer in the FBI “ABSCAM” prosecution which was brought by the DOJ in the USDC for the EDNY. During that same year (1980) he was designated lead counsel in a class action which he brought in the USDC for the EDPA against the Sun Oil Company. He successfully resolved that lawsuit the following year. In 1981 he won the “Indy 500” representing Penske Racing and three time champion race car driver Bobby Unser. During that same year (1981) he won 51 consecutive acquittals in state court for members of the Philadelphia Federation of Teachers (“PFT”) who were charged with engaging in criminal conduct during the longest organized labor strike in the history of the City of Philadelphia. In 1984 he represented a defendant in a multi-defendant indictment which was brought by the DOJ in the USDC for the EDPA charging all of the defendants with engaging in a RICO Conspiracy to distribute controlled substances. *US v. George Martorano, et al.*, 866 F.2d 62 (3rd Cir. 1989). In 1991 he successfully defended the World Boxing Association in a fifty million dollar (\$50,000,000.00) claim brought by Heavyweight Champion Mike Tyson in the USDC for the SDNY. In 1998 he defended Don King Productions (“DKP”) in a one hundred million dollar (\$100,000,000.00) lawsuit brought by Heavyweight Champion Mike Tyson in the USDC for the SDNY. In 2005 he defended Imam Shamsud-Din Ali in a major Political Corruption trial as the result of a RICO indictment brought by the DOJ in the USDC for the EDPA.

In 2014 Mr. Binns won a four million, seven hundred forty two thousand dollar (\$4,742,000.00) jury verdict in the USDC for the EDPA in a Wrongful Death action which he brought on behalf of a family whose son was shot and killed by a police officer. In 2015 he settled an eight million dollar (\$8,000,000.00) state court Wrongful Death lawsuit on behalf of a family whose children were the victims of a school bus accident. In the same year (2015), he successfully defended an eighteen million dollar (\$18,000,000.00) “claw-back” lawsuit brought in the USDC for the EDPA by the Receiver of a Ponzi scheme. In May of 2015, after a 7 week jury trial, he won an acquittal for a Philadelphia Narcotics Police Officer who was indicted by the DOJ in the USDC for the EDPA for allegedly engaging in a RICO conspiracy. In 2016 he achieved a thirteen million (\$13,000,000.00) settlement of a Wrongful Death lawsuit on behalf of the family of a Police Officer who was killed in the line of duty.

During his six decade career at the bar, Mr. Binns was accused of being ineffective only one time, viz., by a convicted felon and his lawyer, Samuel C. Stretton. In addition to finding that “...Mr. Gates has failed to comply with my sequestration order...”, the United States Magistrate Judge analyzed the accusation and dismissed it finding that Mr. Binns’s trial tactics, criticized by the felon and Mr. Stretton, was “...good lawyering...” as per the attached **ORDER**.

As part of his commitment to the legal process Mr. Binns has chaired the Judicial Selection Commission of the Philadelphia Bar Association and chaired a Hearing Committee of the Disciplinary Board of the Supreme Court of Pennsylvania. He has repeatedly been named by the Chief Judge of the United States District Court as a Delegate to the Third Circuit Judicial Conference. He was appointed by the Chief Judge of the Third Circuit Court of Appeals to serve as a member of the Lawyers Advisory Committee (2002 – 2004). He is a member of the American Bar Association and National Association of Criminal Defense Lawyers.

Mr. Binns serves as an expert witness in legal malpractice cases. He counsels attorneys with regard to legal ethics, disciplinary rules and represents lawyers seeking re-admission to state and federal bars. **In re Robert F. Simone**, C.A. No. 93-180 (2001). He represents law firms in connection with the withdrawal and/or dismissal of partners and law firm break-ups. **Brener v. Hill, Wallack et al.**, Mercer County, New Jersey Superior Court, 1991 Docket No. L 11425. He counsels members of the judiciary regarding judicial ethics and represents them in investigations and hearings before the Judicial Inquiry and Review Board of the Supreme Court of Pennsylvania (“JIRB”), See **Judicial Inquiry and Review Bd. v. Snyder**, 514 Pa. 142; 523 A. 2d 294 (1987); **In The Matter of Julian F. King**, 517 Pa. 417; 538 A.2d 473 (1988).

The following is a partial list of major cases in which Mr. Binns acted as lead or co-lead counsel:

Bird v. Penn Central, 313 F. Supp. 320 (E.D. Pa., Oct 13, 1969) (No. Civ. 38724); 334 F. Supp. 255 (E.D. Pa. 1971); 341 F. Supp. 291 (E.D. Pa., April 21, 1972) (No. Civ. A. 71-358); 351 F. Supp. 700 (E.D. Pa. 1972) 61 F.R.D. 43 (E.D. Pa., Nov 08, 1973) (No. Civ. 71-358); **C.I. Realty**

Investors v. Huang, C.A. No. 78-343 (appeal No. 79-1672)(E.D. Pa. 1978); **Richardson v. Hamilton International Corp.**, 62 F.R.D. 413 (E.D. Pa. 1974) 469 F.2d 1382, 333 F. Supp. 1049; **Pollack et al. v. Sun Company, Inc. et al.**, C.A. No. 78-1594 (E.D. Pa. 1978); **Sley v. Jamaica Water & Utilities, Inc.**, C.A. Nos. 70-2974 and 75-1171 (E.D. Pa. 1975); **Walck v. American Stock Exchange, Inc. & New York Stock Exchange, Inc.**, C.A. No. 77-140 (E.D. Pa. 1977); **Tenaglia v. Cohen & Psychiatric Hospitals of America Inc.**, C.A. No. 83-1814 (E.D. Pa. 1983); **In re: McKesson HBOC, Inc. Securities Litigation**, C.A. 99-CV-20743 (N.D. Ca. 1999); **Maio et al. v. Aetna, Inc. et al.**, C.A. No. 99-1969; **Andrews et al. v. American Telephone and Telegraph Co. et al.**, C.A. No. 191-175 (S.D. Ga. 1992); **Sikes et al. v. Teleline, Inc. et al.**, C.A. No. 692-147 (S.D. Ga. 1992); **Harper et al. v. American Telephone and Telegraph Co. et al.**, C.A. No. 192-134 (S.D. Ga. 1992); **Foodarama Supermarkets et al. v. Allianz Insurance Company Group et al.**, C.C.P. of Philadelphia County No. 98-001138; **SEC v. Smeraski et al.**, C.A. C-01-3651 MJJ (N.D. Ca. 1999); **Merrill Lynch Fundamental Growth Fund, Inc. et al. v. McKesson HBOC, Inc. et al.** (Superior Court of San Francisco County CGC-02-4-5792); **Grode v. The Mutual Fire Marine & Inland Insurance Co.**, No. 3483 C.D. 1986, Commw. Ct. Pa.; **Foster v. Mutual Fire, Marine and Inland Ins. Co.**, 154 Pa. Commw. 356, 623 A.2d 928 (Pa. Commw., Mar 24, 1993) (No. 3483 C.D. 1966 (ET)); **Travelers Insurance Company et al. v. General Refractories Company**, 1986 WL 6217, *1 (E.D. Pa.); **Burns v. Commonwealth Land Title Insurance Co.**, C.A. No. 90-3856 (E.D. Pa. 1990); **Smith v. Industrial Valley Title Ins. Co.**, 957 F.2d 90, 60 USLW 2547 (3d Cir. (Pa.), Feb 24, 1992); **General Refractories v. Amer. Mut. Liability Ins.**, 678 F. Supp. 104 (E.D. Pa. 1987), (declaratory judgment); **General Refractories Co., v. Travelers Insurance Co.**, C.A. No. 88-2250 (E.D. Pa. 1988); **Hill et al. v. Underwriters at Lloyds London et al.**, (C.A. 71-508)(E.D. Pa. 1971); **Maleski v. Evanston Insurance Co.**, 154 Pa. Commw. 356, 623 A.2d 928 (1993), 535 Pa. 516, 636 A.2d 627 (1994); **Richardson et al. v. Anglo-American Insurance Company**, (USDC E.D. Pa. 1995); **Anglo-American Insurance Company et al. v. Emil J. Molin et al.**, 670 A.2d 194 (Pa. Commw. 1995); **Anglo-American Insurance Company v. Richardson et al.**, 673 A.2d 986 (Pa. Commw. 1996); **Jan Gouza et al. v. Imperial Casualty and Indemnity Insurance Co. et al.**, (C.C.P., Phila. County), December Term 1994, No. 2602 and (C.C.P., Phila. County), December Term 1995, No. 2368; **Bogosian v. Gulf Oil Corp.**, 561 F.2d 434 (3d Cir. 1977); **Omega Auto Systems, Inc. v. Westinghouse Electric Corp.**, C.A. 76-88 (E.D. Pa. 1976); **Philadelphia Eagles v. First Pennsylvania Bank et al.**, C.A. No. 78-1499 (E.D. Pa. 1978); **Superior Beverage Co. v. Schweppes (U.S.A.) Ltd.**, 1988 WL 46601 (E.D. Pa. May 3, 1988) (No. Civ. A. 87-3641)

Hudson v. Blue Valley Foods, Inc., Nebraska Equal Opportunity Commission, NEB 1-05/06-2-36602-R, (discrimination); **Woland et al. v. Caplan et al.**, (C.A. 74-995) (E.D. Pa. 1974); **Hodge v. Paoli Memorial Hospital**, 433 F. Supp. 281 (E.D. Pa. 1977), 576 F.2d 563 (3rd Cir. 1978); **Kirch v. Superior Court of the State of Delaware**, C.A. No. 80-589 (D. Del. 1980); **Perna v. United States et al.**, U.S.C.A. No. 01-3051 (3d Cir. 2002); **Castle Cheese, Inc. v. Sadler and Kantner Group, Inc.**, Court of Common Pleas of Lawrence County, Pennsylvania, No. 10363-06 (breach of contract, tortious Interference, civil conspiracy); **Blue Valley Foods, Inc. v. Durrett Cheese Sales, Inc.**, United States District Court for the Eastern District

of Tennessee, No. 4:05-cv-00106, (breach of contract); **Russell v. Tecce**, 451 F. Supp. 585 (E.D. Pa. 1978), *aff'd*, 591 F.2d 1336 (3rd Cir.1979) (fraudulent transfer); **D.F.S. Const. Co. v. First Pennsylvania Bank, N.A. & Harte Biltmore Ltd.**, 729 F.2d 1446 (3rd Cir. (Pa.), Feb 03, 1984); **General Machine Corp. v. Phillips Industr.**, C.A. No. 81-5187 (E.D. Pa. 1981); **DeAngelis v. Baker et al.**, 241 Pa. Super. 591, 360 A.2d 630 (1976); **Petronelli v. Collins & Eastwood**, C.A. No. 91-10999T (D. Mass. 1991); **Continental Bank v. Voight**, (C.A. No. 80-1476)(U.S. D.C. E.D. Pa. 1980); **Reliance Steel Products Co. v. Kentucky Electric Steel Co.**, (No. 79-2555) (E.D. Pa. 1979); **William L. Day et al. v. Underwriters at Lloyds of London**, (CA. No. 71-619) (E.D. Pa. 1971); **Kushner Promotions v. Momentum Promotions et al.**, Index No. 92-30878 (S.D.N.Y. 1992); **Crabtree v. Academy Life Insurance, Co.**, 878 F. Supp. 727 (E.D. Pa. 1995); C.A. No. 96-1265 (3d Cir. Dec. 30, 1996); **Fraser et al. v. USA Cycling Development Foundation et al.**, C.A. 02-09173 (E. D. PA. 2003); **Royal-T, Inc., et al v. Guilty Boxing, Inc. et al.**, CV-S-03-0374-JCM-LRL (D.Nev. 2003); **Marley v. Roberts et al.**, (USDC, S.D.N.Y.), Docket No. 93 CIV 8846; **EAST END Company Real Estate, Inc., et al. v. Mark Bojanowski**, (C.C.P., Phila. County), May Term 2002, No. 0765; **EAST END Company Real Estate, Inc., et al. v. Mark Bojanowski** (C.C.P., Phila. County), May Term 2002, No. 0765; **Rohm & Haas Co. v. Costle, Administrator EPA**, C.A. No. 78-6 (E.D. Pa. 1978); **Rohm and Haas Co. v. U.S.E.P.A.**, 651 F.2d 176, 18 ERC 2128, 11 Envrtl. L. Rep. 20, 857 (3rd Cir. Pa., May 26, 1981) (No. 81-1757); **Castle v. Cohen**, 840 F.2d 173 (3d Cir. (Pa), Feb 11, 1988) (No. 87-1662, 87-1669, 87-1677); **Municipal Publications, Inc. v. Court of Common Pleas of Philadelphia County**, 507 Pa. 194, 489 A.2d 1286 (Pa. Mar 27, 1985) (No. 124 E.D. 1984, J-14-1985); **Curran v. Philadelphia Newspapers, Inc.**, 497 Pa. 163, 439 A. 2d 652, 7 Media L. Rep. 2513 (Pa. Dec 22, 1981) (No. 244 Jan. Term 1979); **Zinman v. Buckley Broadcasting Corporation**, C.A. No. 71-2483 (E.D. Pa. 1971); **Stallone et al v. Fagan et al.**, (USDC, E.D. Pa.), Docket No. 94-CV-4021;

Taylor and Anderson Towing and Lighterage Co. v. Seafarers Intern. of North America, Atlantic, Gulf, Lakes, and Inland Waters Dist., 1986 WL 1543 (E.D. Pa., Jan 31, 1986) (No. Civ. A. 85.4SO2) (labor); **Building Service Emp. Itern. Union, Local 252 v. Schlesinger**, 440 Pa. 448 269 A.2d 894, 75 L.R.R.M. (BNA) 2493, 64 Lab. CAS. p 11, 223 (Pa. Oct 09, 1970) (labor); **Gelman v. Philadelphia Port Corp.**, 119 Pa. Commw. 15, 546 A.2d 723 (Pa. Commw. Aug 19, 1988) (No. 228 C.D. 1988) (labor); **Thomas v. Philadelphia Fed'n of Teachers**, 62 Pa. Commw. 286, 436 A.2d 1228, 1 Ed. Law Rep. 316 (Pa. Commw., Oct 29, 1981) (No. 2484 C.D. 1981, 537 C.D. 1981); **Philadelphia Federation of Teachers Local No.3 AFT, AFL-CIO v. Board of Education of the School District of Philadelphia**, 437 A. 2d 770 (Pa. Commw., Oct 12, 1981) (No. 1989 C.D. 1981); **Stein v. Philadelphia Fed'n of Teachers Local 3 AFT, AFL-CIO**, 76 Pa. Commonwealth 381, 464 A.2d 606, 13 Ed. Law Rep. 344 (Pa. Commw., Aug 17, 1983) (No. 120 C.D. 1982); **School Dist. of Philadelphia v. Twer**, 489 Pa. 429, 447, A.2d 222, 5 Ed. Law Rep. 490 (Pa., Mar 11, 1982) (No. 361); **Odgers v. Unemployment Compensation Bd. of Review**, 514 Pa. 378, 525 A.2d 359 (1987) 32 Ed. Law Rep. 630 (Pa. Apr 04, 1986) (No. 773 E.D. 1985); **Pennsylvania Association of Retarded Children v. Commonwealth**, 343. F. Supp. 259 (E.D. Pa. 1972); **Philadelphia Fed'n of Teachers v. Richman**, 308 Pa. Super. 634, 454 A. 2d 176 (Pa. Super., Dec 23, 1982) (No. 2025, 2026); **Andrews et al. v. American Telephone**

and Telegraph Co. et al., C.A. No. 191-175 (S.D. Ga. 1992); **Sikes et al. v. Teleline, Inc. et al.**, C.A. No. 692-147 (S.D. Ga. 1992); **Harper et al. v. American Telephone and Telegraph Co. et al.**, C.A. No. 192-134 (S.D. Ga. 1992); **Sonny Gale v. Sylvester Stallone et al.**, (USDC, S.D.NY), Docket No. 91 CIV. 3467; **SEC v. Smeraski et al.**, C.A. C-01-3651 MJJ (N.D. Ca. 1999); **Merrill Lynch Fundamental Growth Fund, Inc. et al. v. McKesson HBOC, Inc. et al.** (Superior Court of San Francisco County CGC-02-4-5792); **Tapp Investment Company, Inc., et al. v. STAR Stream Corp., et al.**, (C.C.P., Phila. County), February Term 2004, No. 001209; **DiDomenico et al. v. Reminick Aarons & Co.**, Hudson County, New Jersey Superior Court, 1992 Docket No. L-000400-93; **Norris v. Morgan, Lewis and Bockius**, (C. C. P. Chester County) Docket No. 93-08323; **Jan Gouza et al. v. Imperial Casualty and Indemnity Insurance Co. et al.**, (C.C.P., Phila. County), December Term 1994, No. 2602 and (C.C.P., Phila. County), December Term 1995, No. 2368; **New Jersey Sports Productions, Inc. d/b/a Main Events v. Panos Eliades, et al.**, Case No. 06-CV-1509, (U.S. Dist. Ct. S.D.N.Y.), (interpleader); **Dines English, LLC. v. Don King Productions, Inc.**, Case No. 05-5352 (U.S.D.C.D.NJ), (JAB); **Tankanow v. Rivera, et al.**, Worcester Superior Court of Massachusetts, Civil Action No. 06-0775A; **Unilever v. Chianti Cheese of NJ, Chianti Cheese Co. v. Chianti Cheese of NJ, Kroger v. Chianti Cheese of NJ, Chianti Cheese of NJ/St. Paul Travellers Co. v. AMS Filling Systems, Inc., O'Neal v. Blue Valley foods, Inc.**; In Re Queeny/Corinthos, 503 F. Supp. 361 (ED Pa. 1980) (admiralty); **Sauquoit Fibers Co. v. Permatwist Co. & Leeson Corp.**, C.A. No. 75-1066(E.D. Pa. 1975) (patent); **Russell v. Tecce**, 451 F. Supp. 585 (E.D. Pa. 1978), *aff'd*, 591 F.2d 1336 (3rd Cir.1979) (fraudulent transfer); **D.F.S. Const. Co. v. First Pennsylvania Bank, N.A. & Harte Biltmore Ltd.**, 729 F.2d 1446 (3rd Cir. (Pa.), Feb 03, 1984) (construction contract); **Rohm & Haas Co. v. Costle, Administrator EPA**, C.A. No. 78-6 (E.D. Pa. 1978) (trade secret); **Rohm and Haas Co. v. U.S.E.P.A.**, 651 F.2d 176, 18 ERC 2128, 11 Envrtl. L. Rep. 20, 857 (3rd Cir. Pa., May 26, 1981) (No. 81-1757) (trade secret); **In re Jones**, 505 Pa. 50, 476 A.2d 1287 (1984) (political); **Pennsylvania Liquor Control Board v. Herman Brothers, Inc.**, 92 Pa. Commw. 196; 498 A.2d 1017 (1985) (licensing); **Signorino v. Barron et al.**, 348 Pa. Super. 638, 501 A2d. 296 (1984) (harassment); **World Cup 90 Italy v. Mundicorp & International Sports Consultants, Inc.**, C.A. No. 90-1043 (E.D. Pa. 1990) (Lanham Act); **Mourraile, Inc. v. Skopbank**, C.A. Nos. 91-391 and 91-395 (D.V.I. 1991) (limited partnership dispute); **Brener v. Hill, Wallack et al.**, Mercer County, New Jersey Superior Court, 1991 Docket No. L 11425 (law firm break-up); **B. Ray Thompson, Jr. et al. v. Glenmede Trust Company et al.**, 2003 WL 1848011 (C.A. No. 92-cv-5233) (E.D. Pa. 1992) (breach of fiduciary duty); **Huegel v. Delaware River Port Authority et al.**, New Jersey Superior Court, Chancery Division, 1993 Docket No. C-0050-93 (bid rigging); **Shingles & Cappelli v. Union Pacific Railroad**, C.A. No. 97-6848 (M.D. CA 1997) (tortious interference); **Black v. Wells Fargo Guard.**, (ATL-L-001500-94 NJ Supp. Ct. 1994) (age discrimination); **Estate Of Nikola Skrbich**, (C.C.P., of Lebanon County, Pennsylvania, Orphans' Court Division, No. 264 of 1996) (will contest); **Mike Tyson v. Don King et al.**, (USDC, S.D.NY.), Docket No.98 CIV. 1628 (breach of fiduciary duty); **Emerita T. Gueson, M.D. v. Richard L. Huber et al.**, C.A. No. 98-1903 (E.D. Pa. 1998) (RICO and Title VII); **BrokerageAmerica, LLC v. Burlington Capital Markets, Inc.**, C.A. No. 600024/2003 (Sup. Ct. New York Cty.) (injunction); **X-tra, Inc. v.**

Pennsylvania Liquor Control Board, C.C.P. of Philadelphia County No. 030700517 (extension of liquor license); **Tapp Investment Company, Inc., et al. v. STAR Stream Corp., et al.**, C.C.P., Phila. County, February Term 2004, No. 001209 (breach of fiduciary duty); **U.S. v. Ali**, 493 F.3d 387 (3d Cir. 2007) (RICO); **USA v. Square, et al.**, 1:08-CR-00916 (E.D.N.Y.) (RICO); **Estate of Isabelle Tezsla, et al v. GST Transport, et al.**, BUR-L-1190-12; BUR-L-1453-12, BUR-L-2898-12; BUR-L-1789-13 (2014) (Wrongful Death); **Beau Dietl v. Villanova University**, C.A. No. 14-1783 (E.D. Pa. 2014) (Personal Injury); **Linda Lorenzo v. Carlson, et al**, C.C.P. of Philadelphia County No. 120704658, August Term, 2012 (Wrongful Death); **Bechtle v. Wister, et al**, EDPA No. 2:13-cv-03798-JP (Ponzi Scheme Claw back); **Panas v. City of Philadelphia**, USDC, Civil Action No. 10-5248 (Civil Rights); **Unites States of America v. Michael Spicer, et al.**, (USDC, E.D. Pa.), Case No. 14-cr-412-3 (RICO); **The State of New Jersey v. Ligambi**, Case No. 2017-000066 (Assault); **Lonnie Garretson v. Richard Sedlinger**, Superior Court of New Jersey- Appellate Division, Docket No. A-002178-16T2 (Custody); **Angelini v. Stevenson, et al**; Court of Common Pleas, Philadelphia County, Docket No. 180601676 (Personal Injury); **IN RE: Trust Under Will of Samuel P. Mandell, Deceased F/B/O Seymour G. Mandell and Descendants**, Court of Common Pleas of Montgomery County, Orphan's Court Division, Docket No: 1978-X1081 (Trust); **Fonzone v. Oteri, et al**, (USDC, E.D. Pa.) No: 12-5726; (US Court of Appeals, 3rd Circuit), No.22-2301 (Civil Rights); **Cerone v. Shore Medical Center**, Superior Court of New Jersey, Atlantic County, Docket No. 001780-19 (Personal Injury); **Cummings v. Pandya, et al.**, (USDC, E.D. Pa.), Case No. 21-cv-02368-JMY (Personal Injury).

Over the course of a six (6) decade legal career, Mr. Binns has represented several hundred parties in Domestic Relations cases, including divorce, support and custody.

Since 1965 and continuing to the present, he has represented several hundred defendants in criminal cases.

From 1980-1988, Mr. Binns was the Pennsylvania Boxing Commissioner, having been appointed by Republican Governor Richard Thornburgh and reappointed by Democratic Governor Robert P. Casey. In 1994 he was inducted into the Pennsylvania Boxing Hall of Fame. He represents boxers, promoters and casinos throughout the world. Over a 20 year period (1981-2001) his 31 consecutive legal victories for the World Boxing Association ("WBA") include decisions over Muhammed Ali, Tim Witherspoon, Evander Holyfield, Marvin Hagler, Top Rank, Don King, Mike Tyson, the Commonwealth of Puerto Rico, and the Equal Employment Opportunity Commission ("EEOC").

Mr. Binns has represented numerous sports figures including a number of world-champion boxers including: Michael Spinks (heavyweight), Matthew Saad Muhammad (light heavyweight), Jeff Chandler (bantamweight), Barry McGuigan (featherweight), Orlin Norris (cruiserweight), and Frank Bruno (heavyweight). He negotiated contracts with HBO and DiBella Entertainment on behalf of Jermain Taylor, the then middleweight champion.

The National Sporting Club, London, England retained him to negotiate multi-million dollar contracts with Don King Productions Inc., in connection with world heavyweight championship bouts between Tim Witherspoon and Frank Bruno (London, England 1986) and Mike Tyson and Frank Bruno (Las Vegas, Nevada 1989). He represented Eastwood Promotions, Belfast, Ireland in negotiations with Top Rank Inc. for the featherweight championship fight between Barry McGuigan and Steve Cruz (Las Vegas, Nevada, 1987). The above representations included negotiating site fees, international television rights and the boxer's purses. The Trump Plaza Hotel and Casino retained Mr. Binns to negotiate with Butch Lewis Productions, Inc. for a heavyweight title fight in Atlantic City, New Jersey. He represented heavyweight challenger, Jessie Ferguson when he challenged Riddick Bowe for the heavyweight championship. Mr. Binns negotiated a series of boxing shows with Madison Square Garden on behalf of Resorts International Hotel and Casino. He has been retained to advise numerous boxing promoters including: Eastwood Promotions, Belfast, Ireland; Momentum Enterprises, New York, New York; National Sporting Club, London, England; Ramacor Boxing, Maracay, Venezuela; Teiken Boxing, Tokyo, Japan, Madison Square Garden, New York, New York; Harrahs Casino, Atlantic City, New Jersey; The Trump Plaza, Atlantic City, New Jersey; Resorts International, Atlantic City, New Jersey; Mountaineer Racetrack & Gaming Resort, Chester, West Virginia; Warriors Boxing, Fort Lauderdale, Florida.

From 1981-2001 Mr. Binns successfully represented the World Boxing Association ("WBA") in the following cases: Claude Noel v. WBA, C.A. No. 81- 968 (D.N.J. 1981) (Brotman, J.); Butch Lewis Productions, Inc. v. WBA et al., C.A. No. 82-1370 (D.N.J. 1982); Dan Duva v. WBA, 714 F.2d 121 (3d Cir. 1983); Equal Employment Opportunity Commission v. WBA, C.A. No. 84-411-PMP (D. Nev. 1984) (Pro, J.); Muhammad Ali v. WBA, C.A. No. 84-3778 (D.D.C. 1984) (Penn, J.); Marvin Hagler v. WBA (I), C.A. No. 85-0077-G2 (D. Mass. 1985) (Layton, J.); James Kinchen v. WBA, C.A. No. 85-3979 (D.N.J. 1985) (Fisher, J.); Davey Moore v. WBA, C.A. No. 85-7471 (N.Y. Sup.Ct. 1985) (Callahan, J.); Torres v. WBA, C.A. No. 87-0029 (D.P.R. 1987) (Perez, J.); Marvin Hagler v. WBA (II), C.A. No. 87-372-K (D. Mass. Apr. 1, 1987) (denied preliminary injunction), aff'd, C.A. No. 87-1245 (1st Cir. 1987) (Keeton, J.); David Wolf v. WBA, C.A. No. 87-1795 1987 WL 10033 (S.D.N.Y., Jun 21, 1987) No. 87 Civ. 1795 (Keenan, J.); Tim Witherspoon v. WBA, C.A. No. 87-1489 (S.D.N.Y. 1987) (Greisa, J.); Iran Barkley v. WBA, C.A. No. 87-7113 (S.D.N.Y. 1987) (Sprizzo, J.); Lind et al. v. WBA, C.A. No. 88-653 (D.P.R.1988) (Gierbolini, J.); Department of Recreation and Sports of Puerto Rico, ex rel. Puerto Rico Professional Boxing Commission v. WBA, 942 F.2d 84 (1st Cir. (Puerto Rico), Aug 21, 1991) (Nos. 90-2166, 90-2167, 90-2168); Equal Employment Opportunity Commission v. WBA, C.A. No. 88-4366 (S.D.N.Y. 1988) (Keenan, J.); International Boxing Federation v. WBA, C.A. No. 88-2578 (D.N.J. 1988) (Wolin, J.); Evander Holyfield v. WBA, Passaic County, New Jersey Superior Court, 1990 Docket No. C 4790 (Salerno, J.); Don King Productions v. WBA, C.A. No. 90-1203 (S.D.N.Y. 1990) (Sweet, J.); Mike Tyson v. WBA, 1991 WL 415 71 (S.D.N.Y. Mar 18,

1991) No. 90 Civ. 8257 (Martin, J.); Evander Holyfield v. WBA et al., Passaic County, New Jersey Superior Court, Docket No. C 189-90, 18T-199 0802 90 LU (Saunders, J.); John David Jackson v. WBA et al., C.A. Passaic County, New Jersey Superior Court, Docket No. C-33-94, (Saunders, J.), C.A. No. 94-2694 (D.N.J. 1994) (Barry, J.); George Foreman et al. v. WBA et al., Clark County, Nevada District Court, Case No.A336385, Dept. XIV, Docket No. T, (1994) (Mosley, J.); Orlin Norris et al. v. WBA et al., Civ. A. No. 97-9824 (E.D. Pa. 1997) (Shapiro, J.); Lopez et al. v. WBA, C.A. No. 98-04680 (D.N.J. 1998) (Lifland, J.); Lennox Lewis et al. v. WBA, C.A. No. 00-0889 (S.D.N.Y. 2000) (Kaplan, J.); James Page v. WBA et al., C.A. No. 00-8716 (S.D.N.Y. 2001) (Pollack, J.); Top Rank et al. v. WBA et al., C.A. No. CV-S-01-0482 (D. Nev. 2001) (Hunt, J.); Team Freedom Promotions, Inc. et al. v. WBA et al., Broward County, Florida Circuit Court, Docket No. 01-016508 CA 07 (2002) (Williams, J.).

Mr. Binns testified before the United States Senate Select Committee on Investigations as part of its probe into corruption in professional boxing. See S. HRG., 102-1013, 102nd Cong., 2nd Sess. (Aug. 11-12, 1992). He also represented the WBA and Sylvester Stallone in those hearings. He testified before the U.S. Commerce Committee during hearings that resulted in the passage of the Muhammad Ali Boxing Reform Act, Pub. L. No. 106-210 (2000). He conducted the largest purse bid in the history of boxing (\$34,000,000) for the James “Buster” Douglas / Evander Holyfield title fight. In Drayton v. Petronelli, C.A. No. 84-5166 (E.D. Pa. 1984) (Ditter, J.) the U.S. District Court for the Eastern District of Pennsylvania, (Ditter J.) appointed Mr. Binns to arbitrate a case which involved the interpretation of managerial contracts.

Other significant cases wherein Mr. Binns has represented sports figures include: Philadelphia Eagles v. First Pennsylvania Bank et al., C.A. No 78-1499 (E.D. Pa. 1978) (antitrust); World Cup 90 Italy v. Mundicorp & International Sports Consultants, Inc., C.A. No. 90-1043 (E.D. Pa. 1990) (Lanham Act); Petronelli v. Collins & Eastwood, C.A. No. 91-10999T (D. Mass. 1991) (breach of contract); Kushner Promotions v. Momentum Promotions et al., Index No. 92-30878 (S.D.N.Y. 1992) (contract-interference)); Marley v. Shannon Briggs et al., (USDC, S.D.N.Y.), Docket No. 93 CIV 8846 (breach of contract); Mike Tyson v. Don King et al., (USDC, S.D.N.Y.), Docket No.98 CIV. 1628 (breach of fiduciary duty);); Fraser et al. v. USA Cycling Development Foundation et al., C.A. 02-09173 (E. D. PA. 2003 (contract); Johnny Tapia et al v. Guilty Boxing, Inc. et al., CV-S-03-0374-JCM-LRL (D.Nev. 2003) (contract); U.S. v. Robert Mitchell, CR-S-01-301-PMP (LRL) (D. Nv. 2001) (sports bribery).

Mr. Binns negotiated contracts on behalf of the **PENSKE CORPORATION** with the **AMERICAN BROADCASTING CORPORATION** (“ABC”). He represented **BOBBY UNSER** and **PENSKE RACING** in successfully overturning a United States Automobile Club (“USAC”) ruling thereby reinstating Unser’s victory at the 1981 Indianapolis 500 mile race (“INDY 500”) which enabled Unser to become a “3 time INDY champion” (In the Matter of Two Penske Cars Ltd.).

Mr. Binns portrayed himself opposite **SYLVESTER STALLONE**, **TALIA SHIRE** and **BURT YOUNG** as **ROCKY BALBOA’S** lawyer in the motion picture “ROCKY V”. He portrayed

himself opposite **SYLVESTER STALLONE**, as the Pennsylvania Boxing Commissioner, in the motion picture “ROCKY BALBOA.” In 2006 he dedicated the “ROCKY” statue at the steps of the Philadelphia Museum of Art.

Mr. Binns has been inducted into the Law Enforcement Hall of Fame.

CIVIC

Director: Prisoners’ Family Welfare Fund 1967-1975; Boy Scouts of America 1968-1970; Lyric Opera Company 1968-1971; Opera Company of Philadelphia 1971-1975; Police Athletic League 1969-1976; Philadelphia Charity Ball, Inc. 1970-2001; (emeritus) 2002-; Indian Rights Association 1969-1973; Catholic Historical Society 1971-1972; Berean Institute 1972-1975; Historical Society of Pennsylvania 1974; Alliance Française de Philadelphia 1975-1980; President: St. Luke’s Hospital 1969-1974; Chair: Organized Crime Task Force, Citizens Crime Commission of Philadelphia 1975-1977; Philadelphia Holocaust Remembrance Foundation, 2011-; Atlantic City Boardwalk Holocaust Memorial 2011-; Chair: Pennsylvania Athletic Commission 1980-1987; Trustee: La Salle University 1980-1995; Decorated, Orden Saman de Aragua, Venezuela, 1988; Lifetime Member: Catholic Historical Society, Friendly Sons of St. Patrick; Dedicated James J. Binns Fitness Center at La Salle University, 1992; Inducted, Pennsylvania Boxing Hall of Fame, 1994; Founder, James J. Binns School of Judeo-Christian Studies at Roman Catholic High, 1995; B’NAI B’RITH Award, 1996; Founder, Philadelphia Police Hero Plaque Program, 2001; Outstanding Civic Leader, City of Philadelphia, 2001; ISRAEL BONDS Award, 2002; Citizen’s Award, Lodge #5, Fraternal Order of Police, 2005; Founder, (“CopWheels”), 2005; Founder, Philadelphia Fire Fighters Hero Plaque Program, 2006; Chair, President/CEO, Hero Thrill Show, Inc. 2006 – ; Combatt International Service Award 2006; Southeast Pennsylvania, Southern New Jersey and Delaware Police Chiefs Association Award 2006; designated Life Member, Southeast Pennsylvania, New Jersey and Delaware Police Chiefs Association, 2006; Man of the Year, Pennsylvania County Detective Association, 2006; Friends of Labor Community Service Award (“Sammy”), 2006; Founder, Margate Hero Plaque Program, 2006; Appointed Honorary Fire Chief, Local 22, International Firefighter’s Union, 2007; Philadelphia City Council Citizens Award, 2007; Keynote Speaker, FENCL Award, 2007; Lucien Blackwell Award, 2007; Shomrim “Man of the Year”, 2007; Anti-Defamation League Torch of Liberty Award, 2007; Appointed Deputy Police Commissioner (Honorary) Philadelphia, 2007; Appointed Chief, Philadelphia Fire Department (Honorary) Philadelphia, 2007; Founder, Montgomery County Hero Plaque Program, 2007; Founder, Winslow Twp. Police Motorcycle Program, 2008; Founder, Margate Police Motorcycle Program, 2008; Appointed Police Commissioner, Philadelphia (Honorary), 2008; Appointed Chief of Police, Margate, NJ (Honorary), 2008; Appointed Fire Commissioner, Philadelphia (Honorary), 2008; Founder, Atlantic City Police Motorcycle Program, 2008; Appointed Chief of Police, Lower Makefield Township (Honorary), 2008; Appointed Chief of Police, Camden, NJ (Honorary), 2008; Founder, Delaware County Hero Plaque Program, 2008; Men Making A Difference Award, 2008; Graduate, FBI Citizens Academy, 2008;

Gold Heart Award 2008; Emerald Society, "Man of the Year", 2008; Marine Corps Law Enforcement Foundation Eagle, Globe & Anchor Award, 2008; Founder, Police Bicycle Program, 2008; Founder, Police Shotgun Program, 2008; Sworn as Special Assistant District Attorney, Montgomery County, Pennsylvania, 2009; FBI Director's Community Leadership Award, 2009; Founder, Chester County Police Hero Plaque Program, 2009; Sworn as Deputy Sheriff, Chester County, Pennsylvania, 2009; Founder, Holiday Meals for Heroes, 2009; Appointed Chief of Police, Longport, NJ (Honorary), 2009; Greater Philadelphia Area Leadership Award (RCHS), 2009; Founder, Bucks County Hero Plaque Program, 2010; Appointed Chief of Police, Northfield, NJ (Honorary), 2010; Appointed Chief of Police, Brigantine, NJ (Honorary) 2010; Sworn, Special Assistant District Attorney, Montgomery County, Pennsylvania, 2010; Sworn, County Detective, Montgomery County, Pennsylvania, 2010; Sworn, Special Deputy Sheriff, Chester County, Pennsylvania, 2010; Markward Association Award, 2010; Sworn, Honorary Chief of County Detectives, Philadelphia District Attorney's Office, 2010; Inducted as an Honorary Member, NJ State Policemen's Benevolent Association, 2010; Law Enforcement Leadership Award, Cradle of Liberty Council, 2010; Delaware County District Attorney's Award of Merit, 2011; Inducted, Law Enforcement Hall of Fame, 2011; Sponsor, FencI Award, 2011-; Retired Police, Fire, & Prison Guards Association, "Man of the Year", 2011; American Jewish Committee, Civic Achievement Award, 2011; Sworn, Special Deputy Sheriff, Delaware County, Pennsylvania, 2011; Founder, Sea Isle City Hero Plaque Program, 2012; Founder, Radnor Township Police Motorcycle Program, 2012; Knighted, Sovereign Military Order of Malta (SMOM), 2012; Bronze Medallion Award, Chapel of the Four Chaplains, 2013; Appointed Honorary Sheriff, Philadelphia County, 2013; Recipient, Philadelphia Fire Department's Partnership Award, 2013; Member: President's Club, Israel Bonds.

PHILANTHROPY

Throughout his legal career, Mr. Binns has been heavily involved in community and civic affairs. He is the Founder and CEO of Hero Plaque Programs for Police and Firefighters. As of 2023, he has dedicated 322 Hero Plaques. He is the Founder and CEO of CopWheels, Inc. which provides equipment to Police Departments. In addition to dedicating 322 Hero Plaques, he has dedicated 2 Horse Trailers to the Philadelphia Police Department Mounted Unit, 100 shot guns to the Philadelphia Police Department SWAT Unit, gun lockers for the Philadelphia Sheriff's Office, 89 Harley-Davidson Motorcycles to Highway Patrol Units, 46 Police Bicycles, and 5 K-9 dogs to Law Enforcement agencies. In 2006 he incorporated the Hero Thrill Show, Inc., a 501 (c) (3) nonprofit corporation which raises funds to pay for the college education of children whose parents have died in the line-of-duty as Police Officers or Firefighters. Since 2006, the Hero Thrill Show Inc. has paid for the full college tuitions of 27 children. In 2007, he founded Holiday Meals For Heroes, a police motorcycle program, which provides full course dinners to the families of the fallen officers on Easter, Thanksgiving and Christmas.

- President/ CEO, Hero Thrill Show, Inc. (2006)
- Founder, Hero Plaque Program (As of 1/1/23, 317 Plaques have been dedicated)
- Founder, CopWheels, Inc. (2003)
- Founder, Holiday Meals for Heroes (2007)
- Dedicated 125 Hero Plaques in Philadelphia, Pennsylvania
- Dedicated 11 Hero Plaques in Atlantic City, New Jersey
- Dedicated 29 Hero Plaques in Montgomery County, Pennsylvania
- Dedicated 2 Hero Plaques in Margate City, New Jersey
- Dedicated 2 Hero Plaque in Delaware County, Pennsylvania
- Dedicated 17 Hero Plaques in Chester County, Pennsylvania
- Dedicated 3 Hero Plaques in *Bucks County*, Pennsylvania
- Dedicated 1 Hero Plaque at the DRPA
- Dedicated 1 Hero Plaque in Sea Isle City, New Jersey
- Dedicated 2 Horse Trailers to the Philadelphia Police Department Mounted Unit
- Dedicated 100 Shotguns to the Philadelphia Police Department Strike Force
- Dedicated 64 Motorcycles to the Philadelphia Police Department Highway Patrol
- Dedicated 4 Motorcycles to the Margate City Police Department
- Dedicated 2 Motorcycles to the Longport Police Department
- Dedicated 2 Motorcycles to 7County Sheriff's Department
- Dedicated 1 Motorcycle to the Winslow Township Police Department
- Dedicated 4 Motorcycles to the Lower Makefield Township Police Department
- Dedicated 1 Motorcycle to the Northfield Police Department
- Dedicated 1 Motorcycle to the Newtown Township Police Department
- Dedicated 6 Motorcycles to the Bensalem Township Police Department
- Dedicated 4 Motorcycles to the Radnor Police Department
- Dedicated 51 Bicycles to the Philadelphia Police Department
- Dedicated 4 Bicycles to the Margate City Police Department
- Dedicated 2 Bicycles to the Longport Police Department
- Dedicated 9 Bicycles to the Philadelphia Sheriff's Office
- Dedicated 1 K-9 dog to the Atlantic City Police Department
- Dedicated 3 K-9 dogs to the Philadelphia Sheriff's Office
- Dedicated 1 K-9 dog to the Vetnor City Police Department
- Dedicated gun lockers to the Philadelphia Sheriff's Office
- Paid a \$25,000.00 reward for the apprehension of the murderer of Sgt. Steven Liczbinski
- Deputy Chief, Darby Township Police Department
- Lifetime member, Pennsylvania Chiefs of Police
- Former Pennsylvania Boxing Commissioner (1980-1988)
- Inducted, Pennsylvania Boxing Hall of Fame (1994)
- Inducted, Atlantic City Boxing Hall of Fame (2019)
- Inducted, Law Enforcement Hall of Fame (2000)
- Knight, Sovereign Military Order of Malta (SMOM)

- Portrayed himself opposite Sylvester Stallone, Talia Shire and Burt Young as Rocky's lawyer in "*ROCKY V*" (1990)
- Portrayed himself opposite Sylvester Stallone as the Pennsylvania Boxing Commissioner in "*ROCKY BALBOA*" (2006)
- Dedicated the "ROCKY" statue at the Philadelphia Museum of Art (2006)
- Recipient of the following Awards: Federal Bureau of Investigation ("FBI"), Director's Community Leadership; Marine Corps-Law Enforcement Foundation, Eagle, Globe & Anchor; B'nai Brith, Inter-Faith Understanding; Anti-Defamation League ("ADL"), Torch of Liberty; Shomrim; Israel Bonds; Southeastern Police Chiefs; Friend of Labor, Sammy; Greater Philadelphia Leadership, Roman Catholic High School ("RCHS"); Philadelphia Emerald Society; Markward Association; Law Enforcement Leadership, Cradle of Liberty Council, Boy Scouts of America; Delaware County District Attorney's Merit Award; Inducted, Law Enforcement Hall of Fame; Retired Police, Fire & Prison Guards Association, "Man of The Year"; American Jewish Committee ("AJC"), Civic Achievement Award; Bronze Medallion, Chapel of the Four Chaplains; Philadelphia Fire Department, Partnership Award.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
VICTOR GATES,	:	No. 17-cr-00564-WB
	:	
Respondents.	:	
	:	

ORDER

Petitioner Victor Gates has filed a motion for permission to present additional witnesses in support of his motion to vacate his sentence under 28 U.S.C. 2255. Doc. No. 180. The motion includes an Exhibit “B” listing nineteen witnesses that Mr. Gates would like to call. Doc. No. 180-2. The government has filed a response requesting that the motion be denied in its entirety. My review of the motion and the accompanying attachments reveals that:

1. Mr. Gates has failed to provide affidavits of any witness that establishes that the witness will testify to information that relates to the relevant issue of ineffective assistance of counsel and will be helpful to me as the trier of fact.
2. With respect to Mr. Philip Cochetti, Mr. Gates has failed to comply with my sequestration order, and has provided an affidavit that attempts to respond to the testimony of James Binns, Esq. Nevertheless, this affidavit contains much that is irrelevant and little that is probative about the dispute before me, which is whether trial counsel was ineffective. The Cochetti affidavit seems to be devoted primarily to explaining why Mr. Cochetti’s theory of defense for Mr. Gates would have been better than Mr. Binns’. I read the affidavit, and counsel’s lengthy memorandum, with great

care. I came away profoundly unconvinced by Mr. Cochetti's thesis. I am satisfied that putting Mr. Cochetti on the stand at trial to testify in accordance with his affidavit would have been utterly disastrous for Mr. Gates. I find that Mr. Binns' decision not to put Mr. Cochetti and his alternate defense theory on the stand at trial was good lawyering, and did not prejudice Mr. Gates. I do not need to hear Mr. Cochetti reiterate the content of his affidavit via live testimony.

Therefore, it is on this 10th day of August, 2021, **ORDERED**, that the motion for permission to present additional witnesses in support of his motion to vacate is **DENIED** as to all witnesses, except Mr. Gates. Mr. Gates may testify at an evidentiary hearing on the 6th day of **October, 2021**, from 9:30 a.m. to 12:00 p.m. in **Courtroom 3D**.

BY THE COURT:

s/Richard A. Lloret

HON. RICHARD A. LLORET
United States Magistrate Judge