

United States District Court

FOR THE **FILED**
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO P 4: 15

2011 AUG 23
RICHARD W. WIELING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M
0073
RS

E-filing

UNITED STATES OF AMERICA,
v.

WALTER LIEW and
CHRISTINA LIEW,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1512(b)(1) – Witness Tampering; 18 U.S.C. § 1512(k) – Conspiracy to Tamper With Witnesses and Evidence; 18 U.S.C. § 1001(a)(2) – False Statements In a Matter Within the Jurisdiction of the Executive Branch; 18 U.S.C. § 2 - Aiding, Abetting, and Willfully Causing

A true bill.

Juli Munn
Foreman

Filed in open court this 23 day of

August 2011.
[Signature]
Clerk

Bail, \$ No ~~process~~

Nathanael Cousins
Nathanael Cousins
United States Magistrate Judge

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

See attached penalty sheet

E-filing

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See attached penalty sheet

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FILED
2011 AUG 23 P 4:17

DEFENDANT: RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINA LIEW

DISTRICT COURT NUMBER

CR 11 0573 RS

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

1-mj-70865 MAG

Name and Office of Person Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Peter Axelrod & John Hemann

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

WALTER LIEW: Counts 1, 3 and 4

CHRISTINA LIEW: Counts 2 - 4

COUNTS 1 and 2	18 U.S.C. § 1512(b)(1) – Witness Tampering	PENALTY:	20 years imprisonment 3 years supervised release \$250,000 fine
COUNT 3	18 U.S.C. § 1512(k) – Conspiracy to Tamper with Witnesses and Evidence	PENALTY:	20 years imprisonment 3 years supervised release \$250,000 fine
COUNT 4	18 U.S.C. § 1001(a)(2) – False Statement In a Matter Within the Jurisdiction of the Executive Branch	PENALTY:	5 years imprisonment 3 years supervised release \$250,000 fine
SPECIAL ASSESSMENT: \$100.00 for each count			

AO 257 (Rev. 6/78)

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 SUPERSEDING

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E-filing

573/AS

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

WALTER LIEW

DISTRICT COURT NUMBER

CR 11 0573

DEFENDANT

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PROCEEDING

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Federal Bureau of Investigation

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Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Peter Axelrod & John Hemann

ADDITIONAL INFORMATION OR COMMENTS

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MELINDA HAAG (CABN 132612)
United States Attorney

FILED
2011 AUG 23 P 4: 15
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RS

CR 11 0573
No.

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
WALTER LIEW and)
CHRISTINA LIEW,)
)
Defendants.)

VIOLATIONS:

18 U.S.C. § 1512(b)(1) – Witness Tampering;
18 U.S.C. § 1512(k) – Conspiracy to Tamper
With Witnesses and Evidence; 18 U.S.C. §
1001(a)(2) – False Statements In a Matter
Within the Jurisdiction of the Executive
Branch; 18 U.S.C. § 2 – Aiding, Abetting, and
Willfully Causing

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

At all times relevant to this Indictment:

1. Defendant WALTER LIEW was a resident of Orinda, California, and an owner and executive of USA Performance Technology, Inc. (“USAPTI”).

2. Defendant CHRISTINA LIEW was a resident of Orinda, California, and an owner and executive of USAPTI. CHRISTINA LIEW was married to WALTER LIEW.

3. On or about April 6, 2011, E.I. DuPont de Nemours and Company (DuPont) filed a civil complaint in United States District Court in San Francisco. The complaint alleged that

INDICTMENT

1 USAPTI, WALTER LIEW, and J.L., an employee of USAPTI (the “civil defendants”),
2 misappropriated trade secrets from DuPont. The federal civil complaint alleged that the civil
3 defendants “wrongfully obtained and possess confidential, proprietary, trade secret materials
4 providing detailed specifications for DuPont’s chloride-route titanium dioxide (“TiO₂”) pigment
5 manufacturing process.” The complaint further alleged that DuPont discovered that J.L.
6 possessed a number of specific items of information that were derived from proprietary DuPont
7 technologies and that J.L. obtained this information from WALTER LIEW and USAPTI.

8 4. WALTER LIEW, CHRISTINA LIEW, and USAPTI employed and paid at least two
9 former DuPont employees for assistance in designing TiO₂ manufacturing facilities for two or
10 more customers in China. These employees were known to J.L. when he worked for USAPTI.

11 5. On or about July 19, 2011, agents of the Federal Bureau of Investigation (FBI)
12 executed a search warrant at the residence of WALTER LIEW and CHRISTINA LIEW in
13 Orinda, California, as part of a federal criminal investigation.

14
15 COUNT ONE: (18 U.S.C. § 1512(b)(1) – Witness Tampering)

16 6. The factual allegations set forth in Paragraphs 1 through 4 are realleged and
17 incorporated as if fully set forth here.

18 7. In or about April 2011, in the Northern District of California, defendant
19 WALTER LIEW
20 did knowingly intimidate, threaten, and corruptly persuade, and attempt to intimidate, threaten,
21 and corruptly persuade, another person, and engage in misleading conduct toward another person,
22 specifically J.L., with the intent to influence, delay, and prevent the testimony of J.L. in an
23 official proceeding.

24 8. Specifically, after learning that he, USAPTI, and J.L. had been sued by DuPont in
25 federal district court for misappropriation of trade secrets, WALTER LIEW confronted J.L. and
26 told J.L. that he should not say anything about other individuals who had worked with USAPTI –
27 meaning the former DuPont employees – because it would not be good for J.L. or J.L.’s family.

28 All in violation of Title 18, United States Code, Section 1512(b)(1).

1 COUNT TWO: (18 U.S.C. § 1512(b)(1) – Witness Tampering)

2 9. The factual allegations set forth in Paragraphs 1 through 4 are realleged and
3 incorporated as if fully set forth here.

4 10. In or about April 2011, in the Northern District of California, defendant
5 CHRISTINA LIEW
6 did knowingly intimidate, threaten, and corruptly persuade, and attempt to intimidate, threaten,
7 and corruptly persuade, another person, and engage in misleading conduct toward another person,
8 specifically J.L., with the intent to influence, delay, and prevent the testimony of J.L. in an
9 official proceeding.

10 11. Specifically, after learning that WALTER LIEW, USAPTI, and J.L. had been sued by
11 DuPont in federal district court for misappropriation of trade secrets, CHRISTINA LIEW met
12 with J.L. During that meeting, CHRISTINA LIEW told J.L. not to reveal the identities of the
13 former DuPont employees of whom J.L. was aware through his work with USAPTI, in
14 connection with the civil litigation.

15 All in violation of Title 18, United States Code, Section 1512(b)(1).

16
17 COUNT THREE: (18 U.S.C. § 1512(k) – Conspiracy to Tamper with Witnesses and Evidence)

18 12. The factual allegations set forth in Paragraphs 1 through 5 are realleged and
19 incorporated as if fully set forth here.

20 13. On or about July 19, 2011, in the Northern District of California, the defendants,
21
22 WALTER LIEW and
CHRISTINA LIEW,
23 knowingly conspired to commit violations of 18 U.S.C. § 1512(b)(3) and 18 U.S.C. § 1512(c)(1).

24 14. As part of the conspiracy, WALTER LIEW and CHRISTINA LIEW knowingly
25 engaged in misleading conduct toward agents of the FBI with the intent to hinder, delay, and
26 prevent the communication to those agents of information regarding the commission or possible
27 commission of a federal offense, in violation of 18 U.S.C. § 1512(b)(3).

1 keys found in their home, when, in fact they knew at the time that they had a safe deposit box to
2 which one of the keys corresponded, in violation of 18 U.S.C. §§ 1001(a)(2) and 2.

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DATED: August 23, 2011

A TRUE BILL.


FOREPERSON

MELINDA HAAG
United States Attorney


MIRANDA KANE
Chief, Criminal Division

(Approved as to form: )
AUSAs AXELROD/HEMANN