

PAGES 1 - 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JEFFREY S. WHITE, JUDGE

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

WALTER LIEW AND CHRISTINA LIEW,

DEFENDANTS.

)
)
)
) NO. CR 11-573 JSW
)
) SAN FRANCISCO, CALIFORNIA
) THURSDAY
) FEBRUARY 9, 2012
) 2:15 O'CLOCK P.M.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES :

FOR PLAINTIFF: OFFICE OF THE UNITED STATES ATTORNEY
450 GOLDEN GATE AVE.
SAN FRANCISCO, CALIFORNIA 94102
BY: PETER AXELROD AND JOHN HEMANN,
ASSISTANT UNITED STATES ATTORNEYS

FOR DEFENDANT NOLAN, ARMSTRONG, BARTON LLP
WALTER LIEW: 600 UNIVERSITY AVENUE
PALO ALTO, CALIFORNIA 94301
BY: THOMAS NOLAN, JR., ESQUIRE

FURTHER APPEARANCES ON NEXT PAGE.

REPORTED BY: KATHERINE WYATT, CSR 9866, RMR, RPR
OFFICIAL REPORTER - US DISTRICT COURT

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FURTHER APPEARANCES :
FOR DEFENDANT CHRISTINA LIEW:
DORON WEINBERG, ESQUIRE
523 OCTAVIA STREET
SAN FRANCISCO, CALIFORNIA 94102
MICHAEL YU ZHU, CERTIFIED MANDARIN INTERPRETER

P R O C E E D I N G S1
2 **FEBRUARY 9, 2012**

2:15 O'CLOCK P.M.

3
4 **THE CLERK:** CALLING CASE NUMBER CR-11-573, UNITED
5 STATES VERSUS WALTER LIEW AND UNITED STATES VERSUS CHRISTINA
6 LIEW.7 COUNSEL, PLEASE STEP FORWARD TO THE PODIUMS AND STATE YOUR
8 APPEARANCES.9 **MR. NOLAN:** GOOD AFTERNOON, YOUR HONOR. TOM NOLAN
10 FOR WALTER LIEW, WHO IS PRESENT IN CUSTODY.11 **THE COURT:** GOOD AFTERNOON.12 **MR. WEINBERG:** GOOD AFTERNOON, YOUR HONOR. DORON
13 WEINBERG APPEARING WITH CHRISTINA LIEW WHO IS PERSONALLY
14 PRESENT.15 **THE COURT:** GOOD AFTERNOON.16 **MR. AXELROD:** GOOD AFTERNOON, YOUR HONOR. PETE
17 AXELROD AND JOHN HEMANN FOR THE UNITED STATES.18 **MR. HEMANN:** GOOD MORNING, YOUR HONOR.19 **THE COURT:** GOOD AFTERNOON.20 **MR. HEMANN:** OR GOOD AFTERNOON.21 **THE COURT:** AND MR. INTERPRETER, WILL YOU PLEASE
22 INTRODUCE YOURSELF?23 **THE INTERPRETER:** YES, YOUR HONOR. MICHAEL ZHU,
24 MANDARIN INTERPRETER. I'VE BEEN SWORN.25 **THE COURT:** ALL RIGHT. TO THE DEFENDANTS (COURT

1 SPEAKS MANDARIN.)

2 **THE INTERPRETER:** (SPEAKS MANDARIN BACK TO COURT.)

3 **THE COURT:** SO I UNDERSTAND THERE HAS BEEN A
4 SUPERSEDING INDICTMENT. WHAT ARE THE PARTIES SUGGESTING? I
5 ASSUME YOU'LL WANT SOME SORT OF A DELAY TO GET THE OTHER
6 DEFENDANTS BEFORE THE COURT, BUT OBVIOUSLY I AM INTERESTED IN
7 WHAT CURRENT -- THE CURRENT DEFENDANTS WISHES ARE IN THE CASE
8 BECAUSE THEY HAVE A RIGHT TO HAVE THE CASE PROCEED, AS WELL.

9 SO I GUESS I'LL START WITH GOVERNMENT COUNSEL TO FIND OUT
10 WHAT YOUR PROPOSAL WILL BE. AND THEN, I'LL SEE WHETHER THAT
11 COMPORTS WITH WHAT THE DEFENDANTS WISH.

12 **MR. AXELROD:** VERY WELL, YOUR HONOR. THANK YOU.

13 WE'VE SPOKEN WITH COUNSEL FOR THE DEFENDANTS WHO ARE HERE,
14 PRESENT TODAY. AND WHAT WE PROPOSE DOING IS COMING BACK ON
15 MARCH 8, SO IN ABOUT A MONTH, TO HAVE A FURTHER STATUS WITH THE
16 OTHER DEFENDANTS IN THE CASE.

17 AND IN THAT MEANWHILE WE WILL HAVE DISCUSSIONS BOTH WITH
18 COUNSEL FOR THE LIEWS AND FOR THE NEW DEFENDANTS ABOUT MOVING
19 THE CASE FORWARD AND THE DISCOVERY AND THOSE TYPES OF ISSUES.

20 **THE COURT:** ALL RIGHT.

21 AND WHAT'S THE -- MR. NOLAN, WHAT'S YOUR CLIENT'S POSITION
22 ON THAT?

23 **MR. NOLAN:** MY CLIENT'S POSITION IS THAT'S AGREEABLE,
24 YOUR HONOR.

25

1 **THE COURT:** ALL RIGHT.

2 MR. WEINBERG?

3 **MR. WEINBERG:** WE ARE ALSO AGREEABLE WITH THAT
4 SCHEDULE, YOUR HONOR.

5 **THE COURT:** AND MR. WEINBERG AND MR. NOLAN, WHAT'S
6 YOUR POSITION WITH RESPECT TO WHETHER THIS TIME COULD BE
7 PROPERLY EXCLUDED UNDER THE SPEEDY TRIAL ACT?

8 **MR. NOLAN:** I BELIEVE THE CASE HAS BEEN DECLARED
9 COMPLEX, YOUR HONOR.

10 **THE COURT:** IT HAS.

11 **MR. NOLAN:** I BELIEVE IT IS EXCLUDABLE ON THAT
12 GROUND, AS WELL, AS PREPARATION AND CONTINUITIES OF
13 REPRESENTATION.

14 **MR. WEINBERG:** AND I WOULD AGREE WITH THAT.

15 **THE COURT:** ALL RIGHT. IF THE CASE WASN'T COMPLEX
16 BEFORE, IT CERTAINLY IS COMPLEX NOW. BUT I THINK I ALREADY
17 MADE THAT FINDING; IS THAT CORRECT?

18 **MR. AXELROD:** THAT'S CORRECT, YOUR HONOR.

19 **THE COURT:** SO, MS. OTTOLINI, LET'S SET THIS CASE FOR
20 MARCH 8. BUT I WOULD LIKE TO GET BY, LET'S SAY, MARCH 6TH A
21 STATUS, A WRITTEN STATUS REPORT, JOINT STATUS BY AS MANY OF THE
22 DEFENDANTS' COUNSEL AND THE GOVERNMENT, OF COURSE, AS POSSIBLE
23 SO THE COURT CAN MAKE ADEQUATE PLANS IN TERMS OF ITS SCHEDULE
24 BEFORE THE MARCH 8TH HEARING, OKAY?

25 **MR. AXELROD:** VERY WELL, YOUR HONOR.

1 **THE COURT:** ALL RIGHT.

2 MS. OTTOLINI, SO WOULD YOU PLEASE SET THIS FOR MARCH 8 FOR
3 JUST A STATUS?

4 **THE CLERK:** MARCH 8 AT 2:00 P.M. FOR FURTHER STATUS,
5 AND JOINT STATUS REPORTS DUE ON MARCH 6TH.

6 **THE COURT:** AND I ASSUME, MR. AXELROD, THAT THE
7 GOVERNMENT WILL -- AS NEW DEFENDANTS RETAIN COUNSEL, THE
8 GOVERNMENT WILL BE PRESENTING THE DISCOVERY TO THEM WITHOUT
9 NEED FOR A MOTION OR ANYTHING?

10 **MR. AXELROD:** THAT'S CORRECT, YOUR HONOR.

11 **THE COURT:** ALL RIGHT. VERY WELL.

12 THANK YOU, COUNSEL.

13 **MR. WEINBERG:** THANK YOU, YOUR HONOR.

14 **MR. HEMANN:** THANK YOU.

15 **MR. AXELROD:** AND WOULD THE COURT LIKE THE GOVERNMENT
16 TO PREPARE A PROPOSED ORDER EXCLUDING TIME?

17 **THE COURT:** YES, PLEASE, STIPULATION AND ORDER.

18 **MR. AXELROD:** VERY WELL. THANK YOU.

19 (THEREUPON, THIS HEARING WAS CONCLUDED.)

20 STENOGRAPHY CERTIFICATION

21 "I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
22 FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER."

23 /S/ KATHERINE WYATT

24 DATE 7-7-12

25 KATHERINE WYATT

TYPED OR PRINTED NAME