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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 UNITED STATES OF AMERICA, )  
15 Plaintiff, )  
16 v. )  
17 WALTER LIEW, et al., )  
18 Defendant. )  
19 \_\_\_\_\_ )

No. CR-11-0573 JSW

**JOINT STATUS STATEMENT AND  
STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
AUGUST 23, 2012 TO OCTOBER 11,  
2012**

Date: August 23, 2012  
Time: 2:30 pm

20  
21 The parties hereby submit this joint status statement. As set forth, below, the  
22 parties agree that the status conference scheduled for August 23, 2012, should be  
23 continued to October 11, 2012, at 2:30 pm.

24 1. Status of Discovery

25 The United States is in the process of completing production of discovery to  
26 counsel for defendants Walter Liew, Christina Liew, Robert Maegerle, and USAPTI.  
27 Defendants are reviewing the discovery that has been produced and have advised the  
28 government of a number of issues and questions. The parties will meet and confer

1 regarding these issues and questions, and are scheduled to appear before Magistrate Judge  
2 Cousins on September 5, 2012, to address the status of discovery and attempt to resolve  
3 any pending discovery disputes.

4 2. Speedy Trial

5 The Court has previously determined the case to be complex pursuant to 18 U.S.C.  
6 3161(h)(7)(B)(ii) and excluded time under the Speedy Trial Act. Due to the volume of  
7 discovery and complexity of the issues, the parties agree that the Court should continue to  
8 exclude time under section 3161(h)(7)(B)(ii), as well as for the reasonable preparation of  
9 counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv). The United States believes that time  
10 is also properly excluded under 18 U.S.C. § 3161(h)(6) because the time for trial has not  
11 run as to the Pangang Group defendants and they have neither been severed nor dismissed  
12 from the case.

13 The attorneys for the defendants verify, by their agreement to this Status  
14 Conference Statement, that they have advised their clients of their rights under the Speedy  
15 Trial Act and each of their clients has expressly agreed that time should be excluded as  
16 set forth above. The Court has previously excluded time until August 23, 2012. The  
17 parties stipulate and agree that for the reasons stated above time should be excluded from  
18 August 23, 2012, until October 11, 2012.

19 3. Service of Pangang Defendants

20 The United States is exploring alternative methods of effectuating service on the  
21 four Pangang Group entities named as defendants in the Superseding Indictment,  
22 including by service under the Mutual Legal Assistance Agreement (MLAA) between the  
23 United States and the People's Republic of China.

24 The government suggests that the Court schedule a further status conference for  
25 October 11, 2012, prior to which the United States will advise the Court whether it has  
26 effectuated service and the means of such service. The United States intends to exhaust  
27 all potential avenues of service on the Pangang Group defendants prior to the next  
28 appearance before the Court.



**[PROPOSED] ORDER**

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2 Based upon the parties' stipulation, the record in this case, and for good cause  
3 shown, the Court continues the status conference currently scheduled for August 23, 2012  
4 to October 11, 2012 at 2:30 p.m. The Court finds that, under 18 U.S.C. §  
5 3161(h)(7)(B)(ii), the case is so complex that it is unreasonable to expect adequate  
6 preparation for pretrial proceedings and for trial within the time limits set forth in 18  
7 U.S.C. § 3161. The Court further finds that this exclusion of time will allow for the  
8 reasonable preparation of counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) and that the  
9 ends of justice served by excluding the time between August 23, 2012, and October 11,  
10 2012, from computation under the Speedy Trial Act outweigh the best interests of the  
11 public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Finally, time is  
12 properly excluded as to the Pangang Group defendants pursuant to 18 U.S.C. §  
13 3161(h)(6), because the time for trial has not run and they have neither been severed nor  
14 dismissed from the case.

15 Therefore, IT IS HEREBY ORDERED that the time between August 23, 2012 and  
16 October 11, 2012 shall be excluded from computation under the Speedy Trial Act. 18  
17 U.S.C. §§ 3161(h)(6), (h)(7)(A), (h)(B)(ii) and (h)(B)(iv).

18  
19 DATED: August 20, 2012

  
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JEFFREY S. WHITE  
United States District Judge

21 Although USAPTI appeared at the last status conference, it has never formally been  
22 placed on this Court's calendar for an initial appearance following its arraignment. The  
23 Court shall construe its appearance at the status conference on June 8, 2012, as its initial  
24 appearance before this Court.  
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