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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Nathanael Cousins, Magistrate Judge

	)	
	)	
United States of America,	)	No. CR11-05730 RS
	)	
Plaintiff,	)	
vs.	)	
	)	
Walter Liew and Christina	)	
Liew.	)	
	)	
Defendants.	)	
	)	
	)	

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San Francisco, California  
Wednesday, August 24, 2011

**TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND  
RECORDING**

**APPEARANCES:**

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**(APPEARANCES CONTINUED ON FOLLOWING PAGE)**

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**BY: JOHN LYLE WILLIAMS, JR.**  
**ATTORNEY AT LAW**

1 Wednesday, August 24, 2011

10:35 a.m.

2  
3           **TRANSCRIBERS NOTE:** Audio transmission malfunctioned  
4 periodically throughout the proceeding as indicated in the  
5 record.

6           **THE CLERK:** Calling criminal 11-0573, United States  
7 versus Walter Liew, United States versus Christina Liew.

8           **THE COURT:** Appearances, please.

9           **MR. AXELROD:** Good morning, Your Honor. Pete  
10 Axelrod and John Hemann for the United States.

11           **THE COURT:** Good morning, Mr. Axelrod and Mr.  
12 Hemann.

13           **MR. HEMANN:** Good morning, Your Honor.

14           **MR. WILLIAMS:** Good morning, Your Honor. John  
15 Williams with Mr. Walter Liew who is in custody of the Marshal  
16 service and in the courtroom.

17           **THE COURT:** Good morning, Mr. Williams.

18           **MR. RAMSEY:** Good morning, Your Honor. Ismail  
19 Ramsey on behalf of Christina Liew, who is present, out of  
20 custody and being assisted by a Mandarin speaking interpreter.

21           **THE COURT:** Good morning, Mr. Ramsey. Ms. Liew.  
22 Good morning, Mr. Liew.

23           **UNIDENTIFIED SPEAKER:** Good morning.

24           **UNIDENTIFIED SPEAKER:** Good morning.

25           **THE COURT:** All right. So I'll defer to the parties

1 as to the order that you want to do things. As I understand,  
2 we need for Ms. Liew to arraign her on the indictment; is that  
3 correct?

4 **MR. RAMSEY:** Yes, Your Honor.

5 **THE COURT:** And --

6 **MR. WILLIAMS:** Your Honor, I wondered -- excuse me.

7 **THE COURT:** Yes.

8 **MR. WILLIAMS:** -- if I can interrupt the Court for  
9 one -- one reason only? One, I have a sureties here, one of  
10 whom is a United Airlines pilot, George Wong, who is here with  
11 his wife, and unfortunately he has a flight to check in for at  
12 11:00 o'clock.

13

14 We can't -- I just sent the one -- George, can you  
15 (inaudible) stand up, please? They're here in the courtroom.  
16 I just wanted to acknowledge that for the Court. I can  
17 discuss what it is they could or could not say. They've been  
18 interviewed by Pretrial Services already.

19 **THE COURT:** All right. I appreciate you being here,  
20 as well as the other people who are in attendance, and I  
21 understand you have somewhere else you need to be. I'm not  
22 sure that we're going to be able to accommodate that on a  
23 scheduling end of things. We've got --

24 **MR. WILLIAMS:** I appreciate that. I just wanted the  
25 Court to understand that they were here. That's all.

1           **THE COURT:** Yeah. I understand that you're here and  
2 thank you for being here. We've got important things we need  
3 to make sure we get done. If they need to leave, I  
4 understand, and we'll -- we'll address the surety issues at  
5 the right time.

6           **MR. WILLIAMS:** Thank you.

7           **THE COURT:** So I think -- does it make the most  
8 sense -- so for -- for Mr. Liew we're going to have -- we've  
9 got a detention hearing which is set today.

10          **MR. WILLIAMS:** Yes.

11          **THE COURT:** Do the parties -- are you in agreement  
12 or disagreement as to what the proposed --

13          **MR. HEMANN:** Well, we have to arraign both Mr. and  
14 Mrs. Liew, Your Honor.

15          **THE COURT:** All right.

16          **MR. HEMANN:** We should probably do that first and  
17 then move to the --

18          **THE COURT:** Agreed, but just forecasting what we  
19 need to do. We've got detention issues that we -- that are in  
20 dispute for Mr. Liew; is that correct?

21          **MR. AXELROD:** That's correct, Your Honor.

22          **THE COURT:** And Mrs. Liew, we've already addressed  
23 those?

24          **MR. AXELROD:** At this point, Your Honor, we've  
25 addressed those.

1           **THE COURT:** All right.

2           **MR. AXELROD:** (Inaudible - - audio malfunction.)

3           **THE COURT:** Okay. So let's proceed with the  
4 arraignment of Mrs. Liew first, and then we'll turn to Mr.  
5 Liew.

6           Mr. Ramsey, you have a copy already of the  
7 indictment?

8           **MR. RAMSEY:** Yes, Your Honor.

9           **THE COURT:** And she -- she's previously been alerted  
10 to the -- to the charges, and do you waive a more detailed  
11 reading of them?

12           **MR. RAMSEY:** Yes, Your Honor.

13           **THE COURT:** And do -- are you ready to enter a not  
14 guilty plea?

15           **MR. RAMSEY:** Yes, Your Honor.

16           **THE COURT:** All right. So a not guilty plea will be  
17 entered.

18           **MR. AXELROD:** And I just want to just -- I may have  
19 missed this, but I know this is a new interpreter, and I want  
20 to make sure that he's been sworn.

21           **THE CLERK:** Yes, he has.

22           **MR. AXELROD:** Okay. Thank you.

23           **THE COURT:** The record will reflect he has been  
24 sworn in. All right.

25           Anything else we need -- need to do for Mrs. Liew?

1           **MR. HEMANN:** I think, Your Honor, on the indictment  
2 we need to advise her of the charges and the maximum  
3 penalties.

4           **THE COURT:** Okay. I thought we'd already advised  
5 her of the --

6           **MR. HEMANN:** We did that on the complaint. We  
7 probably need to do it on the indictment (Inaudible - - due to  
8 simultaneous colloquy.)

9           **THE COURT:** My mistake. I -- I -- I confused the  
10 two in my brain.

11           So I'll ask whichever of you would like to take the  
12 role to -- to summarize the charges in the indictment and to  
13 advise Mrs. Liew of the maximum penalties provided by law.

14           **MR. HEMANN:** And -- and would you like me to do both  
15 Mr. and Mrs. Liew at the same, Your Honor?

16           **THE COURT:** If -- if that's efficient justice,  
17 please do.

18           **MR. HEMANN:** Your Honor, Mr. and Mrs. Liew are  
19 charged in a four-count indictment alleging witness tampering  
20 and making false statements.

21           Mr. Liew is charged in counts one and three -- one,  
22 three and four.

23           Mrs. Liew is charged in counts two and four -- two,  
24 three and four.

25           Counts one and two of the indictment charge witness

1 tampering, a violation of 18 U.S.C. Section 1512(b)(1).

2           The maximum penalty for those charges are 20 years  
3 imprisonment, three years in supervised release, a \$250,000  
4 fine, and \$100 special assessment.

5           Both Walter and Christina Liew are charged in count  
6 three of the indictment for violation of 18 U.S.C. Section  
7 1512(k), which is conspiracy to tamper with witnesses and  
8 evidence.

9           The maximum penalty for that charge is 20 years  
10 imprisonment, a three-year term of supervised release, a  
11 \$250,000 fine and a \$100 special assessment.

12           And then in count four, both Walter and Christina  
13 Liew are charged with violating 18 U.S.C. Section 1001(a)(2),  
14 making false statements in a manner within the jurisdiction of  
15 the executive branch.

16           The maximum penalty for that charge is five years  
17 imprisonment, three years of supervised release, a \$250,000  
18 fine and \$100 special assessment.

19           **THE COURT:** All right. Mr. Williams, do you have a  
20 copy of the indictment?

21           **MR. WILLIAMS:** I have received that, Your Honor.  
22 Thank you.

23           **THE COURT:** And do you waive a more detailed  
24 reading?

25           **MR. WILLIAMS:** I do.



1           **THE COURT:** And are you ready enter a plea on behalf  
2 of Mr. Liew?

3           **MR. WILLIAMS:** (Inaudible) not guilty as well, Your  
4 Honor.

5           **THE COURT:** All right. Thank you. And Mr. Ramsey,  
6 I think I got ahead of myself before, but have you received a  
7 copy of the indictment?

8           **MR. RAMSEY:** Yes, Your Honor.

9           **THE COURT:** And Mrs. Liew, do you understand the  
10 charges?

11           **THE DEFENDANT CHRISTINA LIEW (through interpreter):**  
12 I understand.

13           **THE COURT:** All right. And I've entered a not  
14 guilty plea to her on those charges. All right.

15           As to Mrs. Liew, what's the Government's position of  
16 her continued release or detention?

17           **MR. HEMANN:** At this point in time, Your Honor,  
18 we're comfortable with the terms that are -- that she was  
19 released on the complaint.

20           **THE COURT:** All right. So we'll continue the  
21 release conditions for Mrs. Liew.

22           Mrs. Liew, we previously had a hearing where we  
23 determined the conditions of your release. Those conditions  
24 will continue for you. All right.

25           Anything else we need to do as to -- to Mrs. Liew's

1 part of the case? We need to set a date.

2 **UNIDENTIFIED SPEAKER:** (Inaudible).

3 **MR. RAMSEY:** Yeah. If we could set the date for --  
4 with her after we have the detention hearing, I think that  
5 would be appropriate.

6 **THE COURT:** All right. Well --

7 **MR. RAMSEY:** The are custom issues as to (Inaudible  
8 - - audio malfunction.)

9 **THE COURT:** All right. Well, she -- she then can --  
10 can sit down or can wait while we do the detention issues if -  
11 - and you as well, Mr. Ramsey, unless there's anything you'd  
12 like to address now?

13 **MR. RAMSEY:** No, Your Honor.

14 **THE COURT:** All right. Then turning to the  
15 detention issues for Mr. Liew, have the parties received a  
16 copy of the prebail report, which has both an addendum and an  
17 initial report?

18 **MR. AXELROD:** Yes, Your Honor.

19 **THE COURT:** Mr. Williams.

20 **MR. WILLIAMS:** Yes.

21 **THE COURT:** And turning to you, Mr. Axelrod, first,  
22 what is your position on a release or detention of the  
23 Defendant?

24 **MR. AXELROD:** Well, the Government moves for  
25 detention, Your Honor, and -- and I would say this. Having

1 reviewed the two reports from Pretrial Services, I seemingly  
2 agree with their reasoning and their basis for their  
3 assessment with the issues of flight risk and he should be  
4 detained.

5           What I'd like to do is spend a little bit of time  
6 amplifying on some of the issues that were raised in the --  
7 the bail studies.

8           First of all, this -- this case right now relates to  
9 witness tampering and false statement in conjunction with  
10 theft of trade secrets.

11           There's a civil case filed by the DuPont Company  
12 against Mr. Liew and his company, and it's important for the  
13 Court to understand -- and -- and that's where we are right  
14 now. We are, obviously, actively investigating the trade  
15 secret aspect of this, and that's important for a number of  
16 reasons.

17           First is the technology that we're talking about is  
18 titanium dioxide manufacturing. It's -- it's a very complex  
19 technology. It's a very expensive technology. To get a plant  
20 of the type that Mr. Liew and his company were working on  
21 built is on the order of three, 400 million dollars.

22           **THE COURT:** Now, I'll disclose I've been at a number  
23 of titanium dioxide manufacturing plants, so I'm familiar with  
24 the --

25           **MR. AXELROD:** Okay.

1           **THE COURT:** -- with the technology.

2           **MR. AXELROD:** That -- that's a -- that's a  
3 surprising disclosure.

4           **THE COURT:** It's not going to make me -- you know,  
5 it's not going to change how I feel on this issue but --

6           **MR. AXELROD:** Right.

7           **THE COURT:** -- I'm very familiar with the  
8 technology.

9           **MR. AXELROD:** Well, very well then. Then let me  
10 move on. The point is this is -- this is a big dollar item  
11 and it's a complicated item and -- and in consequence, there  
12 would be a motive to flee because the charges -- I mean, these  
13 charges are serious. Additional charges, even where the  
14 guidelines were would be very serious, but let me really focus  
15 on the flight risk posed by his substantial ties abroad and  
16 really the ties here in the community.

17           As you know, it's basically his business, whether  
18 it's in his current iteration as USAPTI or its former  
19 iterations, is working on projects to -- selling these DuPont  
20 technologies to build titanium dioxide facilities in China.

21           And there's at least two large projects. One is in  
22 Junsu. It's a 30,000-metric-ton facility. And now there's a  
23 100,000-ton facility for the Pangang Group. The contract  
24 alone for the Pangang Group is 17 million dollars,

25           So what you've got, and -- and this is reflected in

1 the -- the bail study -- this is somebody who's constantly  
2 traveling overseas. Understandable, considering he's got at  
3 least two major projects in China, and as far as we're aware,  
4 we're not aware of any domestic activity that -- that that  
5 business engages in.

6           So what you've got is a situation where there's  
7 substantial business ties to China, substantial travel to  
8 China and -- and an asset picture that is extremely  
9 complicated. And -- and, you know, to be candid, it's an  
10 asset picture that we're still working through,

11           But those -- the asset picture indicates, for  
12 starters, that Mr. Liew, his wife, the codefendant, and their  
13 various businesses have over 50 bank accounts. And obviously,  
14 all that is not reflected in this bail study, but there are  
15 substantial foreign -- the nexus is to some of the activity.

16           I'll just give you one example. On two of the  
17 projects that the PTI is involved in, there are letters of  
18 credit, so there's letters of credit from banks in China that  
19 USAPTI and Mr. Liew have been able to draw on here. One  
20 letter, in fact, for over 50 million dollars. I believe  
21 there's over three million dollars remaining on that letter of  
22 credit. That's on one project.

23           On another project there's a over two-million-dollar  
24 letter of credit, meaning that he has the ability to draw on  
25 these funds that are in China and direct where they go to,

1 okay, and that is a real concern.

2           Beyond that, there's -- what I can say about the  
3 banking activity, the financial activity, we've seen so far is  
4 it involves, you know, millions of dollars that are -- are  
5 moving around or have been in various accounts at various  
6 points in time.

7           I haven't -- I'm not in a position to tell you where  
8 it's all ended up, but that fact alone raises substantial  
9 concerns, particularly when you think about the fact that  
10 they've got all this business overseas. They've -- they're,  
11 obviously, originally from overseas, and they don't own any  
12 property here.

13           Now, they acknowledge that they're buying property  
14 in Singapore. We believe they also have a property in Lou  
15 Ming, China. So it -- these kinds of things, given the sort  
16 of the position of this case, raise enormous concerns about  
17 flight risk.

18           And it's frankly surprising, giving -- given the --  
19 the amount of money that's involved in these contracts and  
20 their business activities that -- that there is no property  
21 here in the United States. There's all these ties -- and  
22 other than, you know, the minor child, there's not family, so  
23 these are some of the concerns that I wanted to share with the  
24 Court.

25           **THE COURT:** All right. I -- I will give you, Mr.

1 Williams, a full chance to -- to -- to respond and address  
2 these issues.

3 Mr. Axelrod, as you're listening to -- to him, two  
4 kind of follow-up questions I have for you are, are there  
5 conditions that could address those -- those risk of flight?

6 And the propose sureties from the defense, which  
7 we'll hear more about what they're proposing, if you can  
8 comment when -- on reply as to the appropriateness of those  
9 sureties to address the risk of flight.

10 So Mr. Williams, what's your position?

11 **MR. WILLIAMS:** Well, thank you, Your Honor. Let me  
12 start with the fact that my client is well aware of the nature  
13 of the charges, not just these charges, but the ongoing  
14 investigations before he was arrested.

15 There was a lawsuit filed that -- I think Mr.  
16 Axelrod has eluded to that -- back in April, which laid out  
17 the allegations relating to the theft of trade secret.

18 There was more than a month ago in July a search  
19 warrant executed at Mr. Liew's residence and his business, as  
20 well as search warrants executed that were directed at several  
21 of his customers from Mainland China that were here at the  
22 time.

23 Mr. Liew sought counsel. Counsel had what I would  
24 characterize as discussions with the Government. The day  
25 before he was arrested, Mr. Liew was physically in this

1 building with his wife, and at the time we offered self-  
2 surrender him, and that was declined.

3           And at that moment, I think the Court can reasonably  
4 infer, that Mr. Liew knew well what was about to happen and  
5 what the general parameters of the allegations were going to  
6 be on this case. So to address the issue of flight, I think  
7 you should start with that. That's a fact. That's a fact.

8           His wife has been released. She's here. She's been  
9 here since she was released. They have a ten year-old minor  
10 son Michael, Michael who's here in the courtroom.

11           He does have significant ties to the community. The  
12 -- he's been a citizen for over 20 years. He's lived in the  
13 Bay Area almost all of that time.

14           True, he doesn't own a house now, but he and  
15 Christina did own a house here in this -- in this area within  
16 the last several years.

17           We have proposed a number of sureties to the Court,  
18 and I'll talk about those in just a moment, but let me back to  
19 some of the allegations that are suggested by Mr. Axelrod in  
20 this matter.

21           This is a trade secret case, and I don't know how  
22 much experience the Court has had with these. I've had a fair  
23 amount over the years, and it's been my conclusion in these  
24 cases that it is really a black and white situation.

25           And to the extent that it is being suggested that



1 the reason -- that the ability of the Chinese corporations to  
2 build these plants is because Mr. Liew has provided them with  
3 technology that they otherwise could not have reached or that  
4 would make it impossible for them to build these things is  
5 simply incorrect.

6 For example, the 30,000-ton project that's been  
7 referred to was up and running. This is really an expansion  
8 of an existing plant. These plants exist in China. They are  
9 competitive, whether we like that or not.

10 And the issue of whether or not a trade secret has  
11 been taken and utilized, those are always interesting issues,  
12 but to suggest that the reason that this is ongoing is because  
13 of that theft, I think, is incorrect.

14 It's true, he does a lot of business in China. I  
15 don't deny that.

16 It's true that he has property in Singapore and  
17 property and bank accounts that have been disclosed to  
18 Pretrial Services.

19 However, the issue of whether or not there's another  
20 six million dollars that could be drawn on by Mr. Liew as a  
21 result of these letters of credit, the Court should consider  
22 two factors.

23 Number one, his customers were here, and they were  
24 probably not terribly enthused to their searched -- their  
25 hotels searched by the FBI and their passports seized. The

1 viability of the business and the continuing business  
2 environment may not be all that -- that official to Mr. Liew.

3           Secondarily, that's an easy issue to address.  
4 That's an easy issue to address in terms of the Court making  
5 orders, the Government making whatever reasonable orders they  
6 want to make that we're obviously going to comply with. He's  
7 not going to draw on that six million dollars if the Court  
8 tells him he can't do it.

9           In terms of the allegations about money moving, his  
10 50 bank accounts -- I mean, I've -- I've been provided be no  
11 information about that. I don't know what to say about that.  
12 I -- I don't know where the money moves or doesn't move.

13           He has a business entity. He has had other business  
14 entities in the past. He's dealing with Chinese business  
15 entities. More than that, I cannot say.

16           Well, let me address, if I may, go to the issue of  
17 the sureties. Your Honor, I think for too many years we have  
18 all, myself included, been so caught up in the real estate  
19 market that we think that's there's only one way to do this,  
20 and that's to put up property values up. And that's because  
21 until, what, 2008, everybody had \$200,000 equity in the house,  
22 right? That's not the case anymore. That's not the case  
23 anymore.

24           And what we propose to the Court to -- to evidence  
25 the fact that he has deep ties to this community are nine

1 separate sureties.

2           And I'm sorry, Your Honor, I'm going to provide --  
3 this is the list we sent to these folks. This is a list, Your  
4 Honor, that I provided to the Government and to Pretrial  
5 Services, and let me apologize publicly for not getting it to  
6 them until 3:00 o'clock yesterday. I -- I -- that was  
7 unfortunate. I wish I'd been -- give it to them earlier.

8           But what it represents, Your Honor, is a list of  
9 sureties that we're proposing to the Court. Now, some of  
10 these folks have been spoken to by Pretrial Services. Others  
11 have not because of the lateness in the hour in which we  
12 delivered it.

13           The dollar numbers may not look impressive to the  
14 Court, in the sense that we're used to two or three hundred  
15 thousand dollars in property bonds in the past, but I think  
16 that it is something that the Court should take into  
17 consideration because these nine people represent really nine  
18 different kinds of people, if you will.

19           There's a family member, his stepdaughter Joanna,  
20 who's present in the courtroom, that is here. There are  
21 neighbors, one of whom we to say good-bye to. That's the  
22 airline pilot, Mr. Wong, but there also are other neighbors  
23 here. There are friends, and there's a classmate from -- from  
24 college, Mr. Hu Chang (phonetic). Each of these people  
25 represent a different phase, if you will, of Mr. Walter Liew's

1 life in connection with this country.

2 Now, when you look at the amounts of money that are  
3 being pledged by Joanna, his stepdaughter, and by Ema Lee  
4 (phonetic), two thousand dollars, I know that's not the sort  
5 of numbers we normally throw around here in the district  
6 Court, but let me tell you why it's significant.

7 Neither of those have very much money, and that  
8 commitment of two thousand dollars from each of them  
9 represents a significant commitment of -- of moneys that are  
10 available to them.

11 Ema Lee, for example, is -- is a teacher at Lincoln  
12 High School. She's a single mom. That's a lot of money to  
13 her. The two thousand dollars that Joanna is talking about  
14 pledging represents a significant portion of the money that  
15 she's accumulated over the years.

16 The -- the individuals -- some of the other  
17 individuals that we're talking about here, Mr. Albert Son  
18 (phonetic), who is not present, and Mr. Feng Shu (phonetic)  
19 and his wife Dana Woo, they're not here today. They could be  
20 here next week.

21 Mr. Feng Shu actually works on the east coast. He  
22 lost a job here and had to go to the east coast and find a  
23 job. He's prepared to fly back here next week, if the Court  
24 is willing to entertain his petition to -- to be a surety, fly  
25 back here and post it.

1           Mr. Albert Son, a classmate of Walter's from  
2 college, is presently in Taiwan. He's prepared to get on an  
3 airplane next week and fly over here, so that he can also post  
4 a bond on behalf of his long-time friend.

5           And so while the numbers may not be overwhelming,  
6 Your Honor, the kinds of people that we're offering are. And  
7 I think that the commitment that they're showing, that they  
8 are showing by being here today, and that they are prepared to  
9 show in the future by coming from distant places in order to  
10 pledge property on his -- on his behalf is -- is a significant  
11 factor.

12           He's prepared to sort of post a two million dollar  
13 unsecured bond secured by 200 thousand dollars in cash. And  
14 perhaps most importantly, we're obviously willing to have him  
15 supervised on electronic monitoring, as his wife is presently,  
16 or if the Court is not comfortable with that because of the  
17 arguments the Government has made here, we're happy to have  
18 him in a halfway house.

19           This is going to be a case that's going to linger,  
20 unfortunately, in the court. It's a case that's going to  
21 involve boxes and boxes and boxes of documents. It is  
22 extremely difficult for him to properly defend him in a  
23 custodial situation.

24           And I recognize that isn't a reason to let him out,  
25 but it's a factor that I think the Court can consider when you

1 look at what we're presenting as -- as guarantees to the  
2 Government and to the Court. And I'm prepared to answer any  
3 other questions the Court might have about the sureties.

4 **THE COURT:** Very well. So to make sure I understand  
5 what you're proposing, it's a release on a two million dollar  
6 unsecured bond with 200 thousand dollars secured with the  
7 sureties here estimated on this document --

8 **MR. WILLIAMS:** That's correct.

9 **THE COURT:** -- being the secured and unsecured and -  
10 -and it sounds like some of them are not here --

11 **MR. WILLIAMS:** Yes. The ones that are here --

12 **THE COURT:** -- today?

13 **MR. WILLIAMS:** George and Janet Wong, number two,  
14 had to leave. Joanna Liew, Walter's stepdaughter, is here.  
15 Number three, Mr. Shu and Dana Woo are not here. As I  
16 indicated, he's prepared to fly back from the east coast next  
17 week.

18 Ema Lee is a teacher, and she, unfortunately because  
19 she's teaching, ideally would like to come down sometime after  
20 4:00 o'clock because she teaches until after three, but if  
21 not, we can probably arrange something next week with her  
22 also.

23 Mr. Feng, who's an attorney, could not be here  
24 today, but he is available later this week or next week.

25 Jenny Dwong (phonetic) is present in the courtroom.

1 Jenny is right here? Yeah, Jenny is here.

2 Steve Reese (phonetic) and Regina May (phonetic) are  
3 here also. They're here.

4 Albert Son is the gentleman that I indicated is in  
5 Taiwan but prepared to fly back next week. And lastly Mr. Hu  
6 Chang is here. Thank you, Mr. Chang.

7 **THE COURT:** Thank you, Mr. Chang. All right. For  
8 those of you who are here, I appreciate you being here. It's  
9 important for you to understand this is not a proceeding to  
10 determine the guilt or innocence of Mr. Liew.

11 It's a hearing to determine whether there's --  
12 whether he should be detained or released while the case is  
13 pending. And it's very important to have you here to --  
14 whatever the Court decides in evaluating whether there are  
15 conditions that would be sufficient to guarantee that Mr. Liew  
16 will make future court appearances in this case.

17 Now, Mr. Williams, before I turn it back to Mr.  
18 Axelrod to reply, you had mentioned that it was late yesterday  
19 before you got all the surety information to Pretrial  
20 Services.

21 **MR. WILLIAMS:** Yeah, and I apologize to both  
22 Pretrial Services and the Government.

23 **THE COURT:** So one thing, while Mr. Axelrod is  
24 speaking, I want you to think about is whether you would like  
25 a chance for them to do further inquiry, even today with these

1 sureties.

2 **MR. WILLIAMS:** Yes, I think Pretrial -- I'm sorry,  
3 Your Honor.

4 **THE COURT:** Yeah.

5 **MR. WILLIAMS:** Pretrial Services has spoken to, I  
6 think, three of the five that are present -- that were going  
7 to be present today.

8 They spoke to Mr. Walter -- I'm sorry, to Mr. George  
9 Wong who has had to leave. They haven't spoken to the  
10 stepdaughter, and they haven't spoken to Jenny Dwong, but  
11 they're both here.

12 **THE COURT:** All right. So one thing I want you to  
13 think about -- I don't know that that would change their  
14 recommendation. They have -- they have recommended that your  
15 client be detained in this case.

16 One option for you is to continue this and -- and  
17 submit further information to them and see if that changes  
18 their recommendation. I don't know that it would, but I  
19 wanted to --

20 **MR. WILLIAMS:** I appreciate that, Your Honor. Now,  
21 it --

22 **THE COURT:** -- have -- have you consider that as an  
23 -- as an option.

24 **MR. WILLIAMS:** It had been my hope here to go on  
25 vacation next week, but --



1           **THE COURT:** Oh, I --

2           **MR. WILLIAMS:** -- if the Court would be willing to  
3 let this go over to Friday, that would give us the ample time,  
4 I think --

5           **THE COURT:** Yeah, and I know that they're all --  
6 many of them are here today. And -- and it -- and it's  
7 inconvenient for them to have to return, but I just wanted to  
8 have you consider that as one -- one possibility.

9           **MR. WILLIAMS:** Will -- I will indeed, thank you.

10          **THE COURT:** Mr. Axelrod, you've heard their -- the  
11 position of the defense and the proffered sureties and release  
12 conditions. What's your response?

13          **MR. AXELROD:** Thank you, Your Honor. Well, I -- my  
14 response is -- it is -- this is not a situation where we have  
15 (inaudible) fashioned a set of conditions that will work.  
16 There's a couple things I want to talk that address that.

17                 And -- and I want to say at the outset, you know, I  
18 raised the issue of the -- all of the bank accounts, and the  
19 fact that the Pretrial Services report includes a portion of  
20 the financial activity. And the response was, you know, that  
21 Mr. Williams doesn't know what to say about it.

22                 Well, actually his client does and can, and I think  
23 that the absence of that information, absence of a discussion  
24 of that is disconcerting.

25                 We also raised the issue of their ownership of

1 property in China. That wasn't addressed.

2 And -- and I want to point out and I -- that the  
3 connections to China and the Chinese Government is actually a  
4 lot more involved than that. Let me explain what I mean by  
5 that.

6 In the first instance, we've obviously been talking  
7 to a number of witnesses in this case. One of them is a  
8 gentleman named Tim Spitler, who was a former employee of  
9 DuPont, who worked with Mr. and Mrs. Liew. And what he  
10 explained was that Mr. Liew told him that his wife, the  
11 codefendant, Christina Liew, is the niece of the governor of a  
12 large province in China, and they're essentially connected and  
13 that's how he gets business over there.

14 That -- that is not the only person who's made some  
15 statement to that effect because we've also spoken to the  
16 Chinese customer that Mr. Williams alluded to who was here.  
17 One of those individuals is gentleman named Juong Chi  
18 (phonetic)

19 And according to Mr. Chi, Mr. Liew told him that his  
20 wife -- excuse me -- not -- I believe it's -- what he was told  
21 was that Mrs. Liew's father was a high ranking Chinese  
22 official.

23 And so -- and -- and we -- in the course of going  
24 through the materials that we've obtained in the search  
25 warrant, we've also found, you know, documents that lend

1 credence to this, is phone lists with page after page of  
2 contacts with -- of Chinese officials with home numbers and  
3 office numbers, and so the connections to China are deep. And  
4 I don't think that those issues have been addressed by the  
5 defense, and I think they're quite serious.

6           And I think that -- I certainly appreciate that  
7 there are a number of people here in support of Mr. Liew and  
8 that are willing to make the -- pledge certain assets, but you  
9 know, the picture here is in the tens of millions of dollars.

10           And -- and one of the things that Mr. Spitler told  
11 us was that back in about 2005 or 2006 Mr. Liew told him "Hey,  
12 we've got 50 million dollars in the bank." I don't -- I can't  
13 verify that right now, but when I look at the rest of it, and  
14 it raises questions.

15           And then the -- the -- that -- and frankly, I just -  
16 - given his ties to China, given his travel to China, given  
17 the fact that his businesses are in China, I don't see any way  
18 that that can be addressed.

19           Even if it would -- even if it could be, the concern  
20 that I've got with the surety proposal is -- this is a de  
21 minimis amount, given the scope of that activities that we're  
22 talking about.

23           And if the Court were ever -- if it were inclined to  
24 go further, I would -- I think I would want to make inquires,  
25 given the underlying witness tampering involved in it. I

1 mean, you know, remember, on the civil case they've already --  
2 they've out -- you know, according to the indictment, entered  
3 a hearing with witnesses, so I would really want to make sure,  
4 if the Court is inclined to go that way, what the arrangements  
5 are in -- in -- between them. But in short, that's -- that's  
6 my response.

7 **THE COURT:** But you don't have any -- you don't have  
8 any evidence of -- of surety tampering at this time?

9 **MR. AXELROD:** No. No, Your Honor, and I'm not  
10 making that allegation.

11 **THE COURT:** What -- what is your feelings about the  
12 appropriateness of release on electronic monitoring? Why --  
13 why couldn't electronic monitoring address the concerns raised  
14 in the Pretrial Services report about risk of flight?

15 **MR. AXELROD:** Because what you have at that point --  
16 and I think at that -- if the Court were inclined to go that  
17 way, I think that would -- we would want to revisit Mrs.  
18 Liew's release conditions, and -- and -- and let me explain  
19 why.

20 **THE COURT:** Uh-huh.

21 **MR. AXELROD:** I think if both of them are out on  
22 electronic monitoring gives them ample opportunity -- and I  
23 can actually articulate now concerns about Mrs. Liew and her  
24 ability to evade surveillance and her counter surveillance  
25 techniques and what's been going on in the last, you know,

1 month or two as this has been playing out.

2           So my concern about his release at all is that once  
3 you put him out, it doesn't take much to cut that thing off  
4 and get out of dodge.

5           And she has demonstrated the ability over this past  
6 period of time to engage in very erratic driving behavior,  
7 take counter surveillance measures, to pull over on the side  
8 of the road, to cut across lanes of traffic, to do the kinds  
9 of things that one, you know, would allow her to -- to lose  
10 people that, you know, may be pursuing her, but it also  
11 creates a situation where there is a real danger that they  
12 would be successful in leaving and leaving this country and  
13 going back to the place where they have property, connections  
14 and business relationships, and possibly a lot of assets.

15           So -- and they -- they -- you know, I don't think  
16 that having them both out -- I think that creates an entirely  
17 different picture that is a much more risky situation than  
18 we're in right now.

19           **THE COURT:** All right. Mr. Williams, there are a  
20 few things that Mr. Axelrod said that you had not addressed  
21 whether volitional or not, and I want to give you a chance to  
22 --

23           **MR. WILLIAMS:** Thank you.

24           **THE COURT:** -- to respond on those.

25           **MR. WILLIAMS:** Mr. Liew doesn't own any property in

1 China. I don't know anything about that. Okay. It's very  
2 difficult when you come to these hearings and you're here for  
3 the first time, "Oh, he owns a house in China." Well, I know  
4 he does. Okay.

5 But he's got 50 bank accounts? I haven't seen them.  
6 Give me a list of them and we can talk about them. I don't  
7 know that he has -- I -- I still think -- don't know that  
8 that's the case. I don't want to cast dispersions on what Mr.  
9 Axelrod has said, but I haven't seen anything like that.

10 He disclosed to the -- the Pretrial Services the  
11 bank accounts that I'm aware of. If there are 46 more, you  
12 know, let me see them. Let's talk about them.

13 What was the other issue? The other issue had to do  
14 with his wife's father is a high ranking official. I don't  
15 think that's correct either.

16 You know, people in trouble say all sorts of  
17 interesting things. They got 50 -- you know, he told me he  
18 had 50 million dollars in the bank and so on and so forth.  
19 Well, how are you going to respond? We're not going to  
20 respond. He doesn't have 50 million dollars in the bank, as  
21 far as I know, either than Mr. Axelrod thinks he has 50  
22 million dollars in the bank.

23 If the -- if -- if -- what is valid about the  
24 position the Government has taken is he's got property  
25 overseas, he's got money overseas and he travels a lot. I

1 accept all that. That's all correct. I don't contest any of  
2 that, but the point is you can address those issues.

3           And if the Court is not comfortable -- if Mr.  
4 Axelrod is saying, "Look, if you've got both of them out,"  
5 despite the fact that neither of them have passports and they  
6 got a ten year-old minor child that doesn't have a passport  
7 either -- the FBI has got them all -- if that is not adequate  
8 security for the Court and if my sureties aren't enough  
9 either, put him in a halfway house.

10           If you don't want them both out on electronic  
11 monitoring, put him in a halfway house. That's fine. That's  
12 fine too. I think that's a workable solution.

13           **MR. AXELROD:** Can I address --

14           **THE COURT:** Yes.

15           **MR. AXELROD:** -- two points? First of all, on the  
16 issue of whether Mr. Liew owns property in China, that is an -  
17 - that's an insufficient answer because he's married. These  
18 are two people who are working this business together. It  
19 appears that, you know, the financial activities she's heavily  
20 involved in.

21           So it is -- to suggest, "Well, hey, he doesn't own  
22 the property," I don't think that addresses the question at  
23 all because if she does, or if they've got some other  
24 arrangement, that -- and I'm not -- I'm not saying he's --  
25 what he's stating is factually inaccurate. I don't have --

1 have enough information to respond, but it's broader than  
2 that.

3           And I think that the halfway house is also  
4 unworkable because, as the Court knows, the controls on  
5 somebody in a halfway house are quite different than with  
6 custodial controls. And somebody can walk out the door of the  
7 halfway house, and they might never be seen again and it does  
8 happen, and in this case where there's somewhere to go with  
9 business and family ties, that's a real concern.

10           **MS. WALTON:** Your Honor?

11           **THE COURT:** Yeah.

12           **MS. WALTON:** I might add -- LaDreena Walton for  
13 Pretrial Services, for the record. We actually don't have  
14 availability for the halfway house. Due to limited funding,  
15 we're not able to house anyone there until after October 1st  
16 is what we've been informed.

17           **THE COURT:** And I -- I am aware of that. You  
18 undoubtedly were not aware of that. That's something for --  
19 for you to consider. Obviously, your position is that you're  
20 requesting release on electronic monitoring?

21           **MR. WILLIAMS:** It is, and Mr. --

22           **THE COURT:** No. I -- I -- I understand the -- the  
23 arguments on the -- having them both be released. I don't  
24 need any more information on that component at this time,  
25 unless you think it's needed.



1           One issue that came up from both ends was the issue  
2 of the financial assets in -- in China, and there are certain  
3 -- there's certain information in the Pretrial Services  
4 report. I don't know if that was based -- my sense is it came  
5 from information provided both by the defense and from the  
6 Government.

7           If there is more information that either party  
8 thinks that Pretrial Services should consider and the Court  
9 should consider, and anyone thinks that would change the  
10 Court's analysis, then, of course, you're welcome to submit  
11 that to Pretrial Services and the Court, and of course, it  
12 should be disclosed to the other side.

13           **UNIDENTIFIED SPEAKER:** Understood.

14           **THE COURT:** I -- I feel like I have sufficient  
15 information to address the issues, but if either party, you  
16 know, does come upon more evidence in the future that makes --  
17 that you think would change the analysis, that can be  
18 exchanged with each other and -- and provided to the Court and  
19 Pretrial Services.

20           I am -- at this point, I have no information beyond  
21 what's been presented in court, what has come from the  
22 Pretrial Services report. It sounds like both parties might  
23 have potentially more information they discover as the  
24 investigation continues, both the Government's investigation  
25 and your own analysis of what's been provided by the

1 Government and what you might out internally that could change  
2 the Court's analysis as the case goes on.

3 But as we stand here right now, is there any further  
4 information that either party wants to present?

5 **MR. AXELROD:** No, Your Honor.

6 **MR. WILLIAMS:** I have none as well.

7 **MR. RAMSEY:** Your Honor?

8 **THE COURT:** Mr. Ramsey.

9 **MR. RAMSEY:** I just wanted to address briefly one  
10 issue of the question of whether there is a property that is  
11 owned in China. Just for the Court's information, Mrs. Liew  
12 does own a hundred thousand dollar home in -- or house in --  
13 in China.

14 **THE COURT:** Very well. Thank you.

15 **MR. RAMSEY:** The only other thing -- one other issue  
16 that I may just address briefly is the allegations of counter  
17 surveillance methods, etcetera, employed supposedly by my  
18 client.

19 When the DuPont civil case was filed, DuPont hired  
20 several private investigators who were extremely aggressive in  
21 terms of pursuing the Liews, in terms of -- in terms of they  
22 talk to them, in terms of they talked to employees, former  
23 employees, families of former employees, and having  
24 (inaudible) who were following Mrs. Liew, along with when she  
25 was with her ten year-old son. You know, the aggressiveness

1 of the investigator obviously caused her concern.

2 She saw that people were following her. She  
3 believed that they were following her. She had no idea who  
4 they were. Quite frankly, they were creating a dangerous  
5 situation at a time when they were -- I believe were  
6 represented by counsel, were -- were dealing with the case  
7 directly. And their -- they were represented parties. They  
8 could have been contacted through their lawyers.

9 And there were times where she did not know who was  
10 following her, and she pulled over on the side of the road or  
11 took some actions to just -- to determine whether someone  
12 actually someone was following her, but that was far from  
13 counter surveillance methods. That was just a matter of her  
14 trying to provide for the -- her own safety and the safety of  
15 her child.

16 **THE COURT:** All right. Thank you, Mr. Ramsey. I  
17 don't -- I don't think I need to take any further action as to  
18 that component of the presentation.

19 Anything else further from the parties?

20 **MR. WILLIAMS:** No, Your Honor. Thank you.  
21 Submitted.

22 **THE COURT:** All right. I think this is a close  
23 case. It's one where there are serious charges, a Defendant  
24 who does not have a prior criminal record.

25 And it's not a danger to the community question.

1 It's a question of whether there are conditions or a  
2 combination of conditions that would assess -- would address  
3 the risk of flight, and that's where the Court's focus is on.

4 On the -- on the record before me I'm going to adopt  
5 the recommendation of Pretrial Services and order the  
6 Defendant detained pending the charges in the case.

7 Now, I emphasize this on the record before me  
8 because there has been some surety information that was  
9 presented late yesterday, and some sureties that have been  
10 proffered that are not here today. And it's possible that the  
11 -- with -- with additional investigation from the parties and  
12 additional information that the Court would revisit that issue  
13 with more information.

14 But on the record before me, it's the property and  
15 ties to China, the assertions from the Government supported by  
16 the charges in the case of risk of flight to China or  
17 elsewhere in Asia.

18 The fact that the defendant's wife is released --  
19 and I'm not taking a significant factor to the allegations  
20 that she has tried to evade supervision in some way, but the  
21 fact that she is released, I think, adds to the danger of risk  
22 of flight.

23 Now, in mitigation, there are many sureties who are  
24 here in the courtroom and who have been proffered to -- who  
25 could be in the courtroom, and those are strong mitigating

1 factors, and in a different circumstance that would be a  
2 sufficient security, I think, to assure the appearance of the  
3 Defendant in Court.

4 But here, I think it's a very close question, but in  
5 balance, I think that the concerns raised by the Government  
6 and found by Pretrial Services for a risk of flight outweigh  
7 the mitigating factors, and on that basis I will order him  
8 detained.

9 Now, Mr. Liew, you have a right to appeal this  
10 decision, and you can seek review by the District Court Judge.  
11 That's Judge Breyer.

12 **MR. HEMANN:** (Inaudible) Judge Seeborg.

13 **THE COURT:** Judge Seeborg?

14 **MR. HEMANN:** The case --

15 **THE COURT:** Oh, because it's been assigned to Judge  
16 Seeborg?

17 **MR. HEMANN:** Yes.

18 **THE COURT:** I -- I appreciate that. Thank you. All  
19 right. You still have a right to appeal, but it's to the  
20 District Court Judge who's currently assigned, and that's  
21 Judge Seeborg.

22 Thank you, Mr. Hemann, for -- for correcting me.

23 **MR. WILLIAMS:** Your Honor, I wonder if the Court  
24 would --

25 **THE COURT:** Yes.

1           **MR. WILLIAMS:** Does the Court have a calendar this  
2 Friday?

3           **THE COURT:** I do, and if you'd like to -- to return  
4 then for further presentation, I -- I will entertain that.

5           **MR. WILLIAMS:** I will do that, but I would just --  
6 if the Court is willing to let me do that. And what I would  
7 do is have those remaining sureties contact Ms. Walton at the  
8 Pretrial Services so that that might be incorporated into the  
9 report.

10           And if there is further information about, for  
11 example, bank accounts we can provide the Court, we would  
12 attempt to do that also.

13           **THE COURT:** Mr. Axelrod, is that scheduling  
14 available to you?

15           **MR. AXELROD:** This Friday --

16           **THE COURT:** Yes.

17           **MR. AXELROD:** -- is just fine, Your Honor.

18           **THE COURT:** All right. So that's what we will do.  
19 We will -- the order of the Court will be that the Defendant  
20 will be remanded to the custody of the U.S. Marshals.

21           And Mr. Axelrod, I'm going to ask you to prepare an  
22 order setting forth the risk of flight and the factors  
23 identified in the Pretrial Services report and by you today --

24           **MR. AXELROD:** Understood.

25           **THE COURT:** -- reflecting the Court's order. And

1 then if the parties want to assess the appealability to the  
2 District Court, you can consider that as well after Friday.

3 **MR. AXELROD:** And I just want to add in -- we'll  
4 have these further proceedings on Friday. We may submit  
5 additional information, and if we do, we'll probably be ask  
6 that it sealed, so we'll submit all the appropriate paperwork  
7 to give (inaudible) information that will (Inaudible - - audio  
8 malfunction.)

9 **THE COURT:** And when you say sealed, sealed and  
10 produced to the defense or --

11 **MR. AXELROD:** Of course. Yes, absolutely. Yes.

12 **THE COURT:** All right.

13 **MR. AXELROD:** Sealed from the public record.

14 **THE COURT:** Very well. That motion to seal is  
15 conditionally granted, well, as long as it's been shared with  
16 the defense. And is that something Pretrial Services can  
17 review as well?

18 **MR. AXELROD:** Yes.

19 **THE COURT:** All right. The Court will entertain any  
20 further submissions from either party that might issue on the  
21 release or detention.

22 And it will be the order of the Court that the  
23 Defendant is detained based on the -- and -- and I adopt the  
24 findings of the Pretrial Services reports.

25 **MR. WILLIAMS:** Thank you, Your Honor. Appreciate

1 it.

2           **THE COURT:** Do we need to set a date before Judge  
3 Seeborg?

4           **MR. WILLIAMS:** Well, there is one other issue that  
5 we do need to discuss with the Court.

6           **THE COURT:** Yeah.

7           **MR. WILLIAMS:** Your Honor, both Mr. Ramsey and I  
8 have made general appearances on the complaint. Since that  
9 time, we've been informed that there may be issues relating to  
10 his forfeiture on the case, and those issues might affect our  
11 ability to represent our clients in this matter.

12           I don't think that we're at a point yet where we can  
13 make a representation to the Court what those issues really  
14 are, but I'm not prepared to make a general appearance on this  
15 indictment because of that reason.

16           **MR. RAMSEY:** The same, Your Honor.

17           **THE COURT:** Okay. And how do you propose that we  
18 address that procedurally beyond -- beyond noting it? And are  
19 you forecasting that something is going to occur in the  
20 future? Is there some remedy you're asking for now?

21           **MR. HEMANN:** It's -- with all due respect to counsel  
22 and the issue, which I -- is -- is a valid one, I -- the  
23 Government will at least have a position on -- on this.

24           I think that the issue will be forced at the first  
25 appearance in the District Court, and we will be -- the case



1 is assigned to Judge Seeborg. The underlying civil case that  
2 the Grand Jury found was instructive is Judge White's case.

3 So we will be filing in those related cases and  
4 we'll leave up to Judge White whether he takes it or not, but  
5 the issue will probably be raised appropriately as to the  
6 general appearance or special appearance when -- when we get  
7 to the district Court. I don't know that we need to resolve  
8 it before Your Honor until that -- until we get to District  
9 Court.

10 **MR. WILLIAMS:** Well, that's agreeable to me, Your  
11 Honor, as long as it's clearly understood that if there are  
12 any forfeitures, it might affect our ability to proceed in the  
13 matter and I don't want (Inaudible - - audio malfunction.)

14 **THE COURT:** All right. Well, the Government has  
15 heard -- has -- has heard your notice. I take notice of it as  
16 well. I think it's appropriate to remind both Mr. and Mrs.  
17 Liew that they do have a right to an attorney at all stages.

18 And so if it turned out that they could not afford  
19 an attorney, one would be provided to them at no cost to them  
20 and at taxpayer expense, so if the case gets to a point where  
21 they could not afford counsel and need to seek appointment of  
22 counsel, they need to alert the Court that they're seeking  
23 that and, of course, we'll take action at that time.

24 **MR. WILLIAMS:** Could we go over to the week of the  
25 12th of September then for initial appearance. Is that

1 agreeable?

2 **THE COURT:** Is that agreeable to the Government?

3 **MR. HEMANN:** That -- that -- that -- that's fine  
4 with us, Your Honor. We've, obviously, like to exclude time  
5 between now and the date that is set before Judge Seeborg on  
6 the basis of effective preparation of competent new counsel.

7 **THE COURT:** All right. And has there been discovery  
8 produced to the defense to support that?

9 **MR. HEMANN:** Our intention was to provide discovery  
10 between now and the date of -- of the initial appearance  
11 before the District Court. We will be doing that.

12 **THE COURT:** All right. And is Judge Seeborg  
13 available?

14 **THE CLERK:** He is, Your Honor. That's Tuesday,  
15 September 13th, at 2:30.

16 **THE COURT:** All right. So we'll set the initial  
17 appearance for both Defendants, Tuesday, September 13th, 2:30  
18 p.m. before Judge Seeborg.

19 The Government has suggested that it will file a  
20 notice of related cases, which could cause the matter to be  
21 reassigned. If it is, then that appearance will change.

22 Any objection from either Defendant to an exclusion  
23 of time from today until September 13th for effective  
24 preparation of counsel?

25 **MR. WILLIAMS:** Not behalf of Mr. Walter Liew, Your

1 Honor.

2 **MR. RAMSEY:** No objection, Your Honor, on behalf of  
3 Christina Liew.

4 **THE COURT:** All right. So it will be the Court's  
5 order that time will be excluded until September 13th for the  
6 effective preparation of counsel, and I find that the  
7 interests of justice support that.

8 **MR. HEMANN:** Your Honor, would you like for us to  
9 provide the Court with a written order on that or just --

10 **THE COURT:** You don't -- I don't feel that you need  
11 to. I've said it on the record and the reasons, but if -- if  
12 --

13 **MR. HEMANN:** No, that's fine.

14 **THE COURT:** -- in your interest, you'd like to, I  
15 will sign such a proposed order.

16 **MR. HEMANN:** Thank you.

17 **THE COURT:** All right. Anything else we need to do  
18 today?

19 **MR. WILLIAMS:** The appearance Friday would be at  
20 9:30?

21 **THE COURT:** 9:30 this Friday, correct.

22 **MR. WILLIAMS:** Thank you, Your Honor.

23 **THE COURT:** And you know, is -- I don't know that  
24 Mrs. Liew needs to be here on Friday, Mr. Ramsey, unless you  
25 feel like it's --

1           **MR. RAMSEY:** I think that she's going to want to be  
2 as right now.

3           **THE COURT:** She'll welcome to be here. I just  
4 wanted to -- to let her know.

5           **MR. HEMANN:** Your Honor, do you need interpreter  
6 because if she's -- if her presence is optional, then we need  
7 you to make it clear if you need an interpreter.

8           **MR. WILLIAMS:** And we would request there be an  
9 interpreter.

10          **THE COURT:** All right. I will request then that  
11 there be an interpreter on Friday. All right.

12                   So we're continued to Friday at 9:30.

13          **MR. WILLIAMS:** Thank you.

14          **THE COURT:** All right. Thank you very much.

15          **MR. AXELROD:** Thank you, Your Honor.

16          **MR. HEMANN:** Thank you, Your Honor.

17          **THE CLERK:** Court is in recess.

18                   (Proceedings adjourned at 11:24 a.m.)

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**CERTIFICATE OF TRANSCRIBER**

I certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U. S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not financially nor otherwise interested in the outcome of the action.

Hay Migner 7/19/2012

Signature of Transcriber Date