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USA PERFORMANCE TECHNOLOGY, INC.
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 WALTER LIEW, CHRISTINA LIEW, USA
16 PERFORMANCE TECHNOLOGY, INC.,
and ROBERT MAEGERLE,

17 Defendants.
18
19

Case No. CR 11-0573-JSW (NC)

**JOINT STATUS REPORT AND
STIPULATION AND [~~PROPOSED~~]
ORDER EXCLUDING TIME FROM
OCTOBER 11, 2012, TO NOVEMBER 8,
2012**

Judge: Hon. Jeffrey S. White

Hearing Date: October 11, 2012

Hearing Time: 2:30 p.m.

1 1. Status of Discovery

2 The United States has produced an initial tranche of discovery to counsel for defendants
3 Walter Liew, Christina Liew, Robert Maegerle, and USAPTI. Defendants are reviewing the
4 discovery that has been produced and have advised the government of a number of issues and
5 questions. The parties continue to meet and confer regarding these issues and questions.

6 In addition, the United States intends to produce another tranche of discovery to
7 defendants in the coming month.

8 2. Speedy Trial

9 The Court has previously determined the case to be complex pursuant to 18 U.S.C. §
10 3161(h)(7)(B)(ii) and excluded time under the Speedy Trial Act. Due to the volume of discovery
11 and complexity of the issues, the parties agree that the Court should continue to exclude time
12 under section 3161(h)(7)(B)(ii), as well as for the reasonable preparation of counsel pursuant to
13 18 U.S.C. § 3161(h)(7)(B)(iv). The United States believes that time is also properly excluded
14 under 18 U.S.C. § 3161(h)(6) because the time for trial has not run as to the Pangang Group
15 defendants and they have neither been severed nor dismissed from the case.

16 The attorneys for the defendants verify, by their agreement to this Status Conference
17 Statement, that they have advised their clients of their rights under the Speedy Trial Act and each
18 of their clients has expressly agreed that time should be excluded as set forth above. The Court
19 has previously excluded time until October 11, 2012. The parties stipulate and agree that for the
20 reasons stated above time should be excluded from October 11, 2012, until November 8, 2012.

21 3. Next Appearance Before the Court

22 The parties are working through discovery and related issues. The parties request that the
23 Court continue the status conference to November 8, 2012, at 2:30 p.m., and that the Court order
24 that a joint status statement be filed on or before November 1, 2012.

25 4. Service of Pangang Defendants

26 On or before November 1, 2012, the United States will file a notice with the Court
27 identifying the measures taken to serve the summonses on the Pangang Defendants and asserting
28 the government's position regarding whether service has been properly effected. The United

1 States proposes that if the Pangang Defendants do not agree with the government's position
2 regarding service, the parties will propose a briefing schedule for a further motion to quash and
3 address the schedule with the Court at the status conference on November 8.

4
5 Dated: October 4, 2012

KEKER & VAN NEST LLP

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7 By: /s/ Stuart L. Gasner

STUART L. GASNER
STEVEN P. RAGLAND
SIMONA A. AGNOLUCCI

8
9 Attorneys for Defendants
10 WALTER LIEW and
11 USA PERFORMANCE TECHNOLOGY, INC.

12 Dated: October 4, 2012

By: /s/ Doron Weinberg

DORON WEINBERG

13 Attorney for Defendant
14 ROBERT J. MAEGERLE

15 Dated: October 4, 2012

By: /s/ Jerome J. Froelich, Jr.

JEROME J. FROELICH, JR.

17 Attorney for Defendant
18 ROBERT J. MAEGERLE

19 Dated: October 4, 2012

MELINDA HAAG
United States Attorney

21 /s/ John H. Hemann

PETER B. AXELROD
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Assistant United States Attorneys

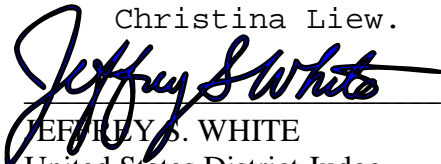
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~~PROPOSED~~ ORDER

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

Therefore, IT IS HEREBY ORDERED that the time between October 11, 2012, and November 8, 2012, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(6), (h)(7)(A), (h)(B)(ii), and (h)(B)(iv). A Mandarin Interpreter shall be ordered for 11-8-12 for defendant Christina Liew.

Dated: 10-5-12


JEFFREY S. WHITE
United States District Judge