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

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 WALTER LIEW, CHRISTINA LIEW, USA  
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  
NOVEMBER 8, 2012 TO DECEMBER 13,  
2012**

Judge: Hon. Jeffrey S. White

Hearing Date: November 8, 2012

Hearing Time: 2:30 p.m.

1           1.       Status of Discovery

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

7           In addition, the United States intends to produce another tranche of discovery to  
8 defendants next week.

9           2.       Speedy Trial

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

17          The attorneys for the defendants verify, by their agreement to this Status Conference  
18 Statement, that they have advised their clients of their rights under the Speedy Trial Act and each  
19 of their clients has expressly agreed that time should be excluded as set forth above. The Court  
20 has previously excluded time until November 8, 2012. The parties stipulate and agree that for the  
21 reasons stated above time should be excluded from November 8, 2012, until December 13, 2012.

22          3.       Next Appearance Before the Court

23          The parties are working through discovery and related issues. The parties request that the  
24 Court continue the status conference to December 13, 2012, at 2:30 p.m., and that the Court order  
25 that a joint status statement be filed on or before December 6, 2012.

26          4.       Service of Pangang Defendants

27          On or before December 6, 2012, the United States will file a notice with the Court  
28 identifying the measures taken to serve the summonses on the Pangang Defendants and asserting

1 the government's position regarding whether service has been properly effected. The United  
2 States proposes that if the Pangang Defendants do not agree with the government's position  
3 regarding service, the parties will propose a briefing schedule for a further motion to quash and  
4 address the schedule with the Court at the status conference on December 13.

5  
6 Dated: November 1, 2012

KEKER & VAN NEST LLP

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8 By: /s/ Stuart L. Gasner

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

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

13 Dated: November 1, 2012

By: /s/ Doron Weinberg

DORON WEINBERG

14 Attorney for Defendant  
15 ROBERT J. MAEGERLE

16 Dated: November 1, 2012

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

JEROME J. FROELICH, JR.

18 Attorney for Defendant  
19 ROBERT J. MAEGERLE

20 Dated: November 1, 2012

MELINDA HAAG  
United States Attorney

21  
22 /s/ John H. Hemann

PETER B. AXELROD  
JOHN H. HEMANN  
Assistant United States Attorneys

**[PROPOSED] ORDER**

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

14 Therefore, IT IS HEREBY ORDERED that the time between November 8, 2012, and  
15 December 13, 2012, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.  
16 §§ 3161(h)(6), (h)(7)(A), (h)(B)(ii), and (h)(B)(iv).

17  
18 Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge