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12 Attorneys for Defendant WALTER LIEW and
 13 USA PERFORMANCE TECHNOLOGY, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 WALTER LIEW, CHRISTINA LIEW, USA
 21 PERFORMANCE TECHNOLOGY, INC.,
 22 and ROBERT MAEGERLE,

23 Defendants.

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 AS MODIFIED HEREIN**

Judge: Hon. Jeffrey S. White

Hearing Date: November 8, 2012

Hearing Time: ~~2:30 p.m.~~ 2:00 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 ^{2:00 p.m.}~~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

7
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

22 /s/ John H. Hemann

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

~~PROPOSED~~ ORDER

1
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.~~ ^{2:00 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: November 2, 2012


19 _____
JEFFREY S. WHITE
United States District Judge

20 Counsel for the Pangang Group defendants shall be prepared to appear at the hearing on December 13,
21 2012, in the event the parties are unable to agree on the issue of service.