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

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

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

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

**ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL CERTAIN EXHIBITS TO  
THE DECLARATION OF STUART L.  
GASNER IN SUPPORT OF RENEWED  
MOTION FOR ORDER REVOKING THE  
DETENTION ORDER AND GRANTING  
PRETRIAL RELEASE OF WALTER  
LIEW**

Place: Courtroom A, 15th Floor  
Dept.: Hon. Magistrate Judge  
Nathanael Cousins

1 Pursuant to Civil Local Rule 79-5, defendant Walter Liew hereby moves the Court for an  
2 administrative order to file under seal the following:

- 3 • Exhibits A, B, C, D, I and J to the Declaration of Stuart L. Gasner in Support of  
4 Defendant Walter Liew's Renewed Motion for an Order Revoking the Detention  
5 Order and Granting Pretrial Release of Walter Liew (the "Gasner Declaration").

6 Paragraph 11 of the Protective Order entered by this Court on June 21, 2012 (Dkt. No.  
7 168) provides that "[a]ny court filings containing Confidential Materials or a description thereof  
8 shall be made under seal. In addition, the Confidential Materials or descriptions thereof shall be  
9 clearly identified in such sealed filing."

10 As explained in the accompanying Declaration of Simona A. Agnolucci, Exhibits A-D to  
11 the Gasner Declaration consist entirely of materials that have been designated by the Government  
12 as Confidential Materials.

13 Exhibits I and J to the Gasner Declaration consist of materials produced by the  
14 Government on a hard drive seized from a safety deposit box allegedly belonging to the  
15 Defendant. Although the Government has not yet designated any specific documents on that hard  
16 drive as confidential, it has indicated that it believes some of the materials on the hard drive may  
17 be confidential and subject to the Court's Protective Order. In an abundance of caution, Liew  
18 believes that Exhibits I and J to the Gasner Declaration should be treated as confidential unless  
19 the Government indicates otherwise.

20 Accordingly, Liew respectfully requests that the Court enter the proposed Order filed  
21 herewith and order that all of the above-described exhibits to the Gasner Declaration be filed  
22 under seal.

23 Liew respectfully requests that the Court order that the Clerk of the Court maintain the  
24 above-described materials in accordance with the provisions of Civil Local Rule 79-5(f).

25 As provided in paragraph 4 of the Protective Order entered by this Court on June 21, 2012  
26 (Dkt. No. 168), Liew's current treatment of the above-described documents as confidential under  
27 the Protective Order does not constitute a waiver of his right to challenge the Government's  
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1 designation of them as confidential, nor does it constitute a waiver by Liew of the right to contest  
2 that all or any portion(s) of the above-described documents constitute “trade secret” information.

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4 Dated: November 20, 2012

KEKER & VAN NEST LLP

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6 By: /s/ Simona A. Agnolucci

STUART L. GASNER  
SIMONA A. AGNOLUCCI

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