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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.
17

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

**DECLARATION OF JOSHUA
MAREMONT IN SUPPORT OF
RENEWED MOTION FOR AN ORDER
REVOKING THE DETENTION ORDER
AND GRANTING PRETRIAL RELEASE**

Date: December 19, 2012
Time: 11:00 a.m.
Place: Courtroom A, 15th Floor
Dept.: Hon. Magistrate Judge
Nathanael Cousins

1 I, Joshua D. Maremont, declare and state that:

2 1. I am Practice Support Coordinator at Kecker & Van Nest LLP (hereafter "KVN")
3 and have worked in this capacity since 1998.

4 2. In my role as Practice Support Coordinator, I oversee and provide consultation on
5 the collection and processing of electronically stored information and its conversion for use in
6 document databases.

7 3. Except where expressly stated, I have knowledge of the facts set forth herein, and
8 if called to testify as a witness thereto, could do so competently under oath.

9 4. The Government's initial productions of documents to Kecker & Van Nest in this
10 case were in July 2012. The vast majority of these initial document productions were in the form
11 of electronic EnCase images. EnCase is a forensic imaging application designed to record the
12 placement of all data, including not only active files but also deleted and partially overwritten
13 files, on a hard drive or flash drive. The EnCase application, or software in which the EnCase
14 format is supported, is necessary in order to read the data captured in an EnCase image. Although
15 I am informed and believe that EnCase is an application that many government entities, such as
16 the Department of Justice, commonly use, Kecker & Van Nest does not own a copy of the EnCase
17 application.

18 5. In order to make use of the EnCase images produced, Kecker & Van Nest must
19 process them. Just the cost of "processing" a single terabyte of the EnCase images that the
20 Government has provided into a viewable and easily printable format (such as TIFF) would be
21 would be \$450,000 at current rates of \$450 per gigabyte. It would cost over \$8 million to process
22 18 terabytes of discovery.

23 6. To date, Kecker & Van Nest has received from the Government 5 terabytes of
24 EnCase image data from 62 separate devices, including computers, servers, and external storage
25 drives.

26 7. To date, Kecker & Van Nest has received 19GB of email data collected from
27 multiple users' accounts at three ISPs, which even after de-duplication yielded 110,442
28 documents (276,371 pages). These emails would fill approximately 100 banker's boxes. These

1 emails represent less than 1%, by file size, of the data produced by the Government as EnCase
2 images. In other words, the EnCase images produced to date, if processed and converted to TIFF
3 images, could easily yield an additional 250 million pages, enough to fill another 90,909 banker's
4 boxes.

5 8. In addition, to date, Keker & Van Nest has received 14 discs of material scanned
6 from paper files in multiple locations.

7 9. The emails described in paragraph 5 above reside on a Concordance database on
8 the Keker & Van Nest network, which I understand cannot be accessed from the Dublin detention
9 center where Mr. Liew is incarcerated.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct and that this declaration was executed on November 20, 2012, at San
12 Francisco, California.

13 /s/ Joshua D. Maremont

14 JOSHUA D. MAREMONT

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