

# **EXHIBIT P**



United States Attorney  
Northern District of California

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450 Golden Gate Avenue, Box 36055  
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October 4, 2012

**VIA FED EX**

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Re: *United States v. Walter Liew, et al.*, Case No. CR 11-0573-JSW (NC)

Dear Counsel:

**DISCOVERY PRODUCTION**

Pursuant to the Protective Order entered by the Court on June 21, 2012 (Clerk's Record 168), enclosed please find:

- Hard copy materials designated as "Confidential-1 – Subject to Protective Order" and bates-labeled C1-001737 to C1-002510;
- A one terabyte hard drive (sent to the Keker firm) designated as "Confidential-2 – Subject to Protective Order" and bates-labeled C2-000089;
- Five CDs designated as "Confidential-2 – Subject to Protective Order" and bates-labeled as C2-000084 to C2-000088.
- A replacement set of hard copy "Confidential-1 – Subject to Protective Order" materials previously identified as difficult to read by Jerry Froelich in his September 6, 2012 letter.

The C-1 Materials contain information from one of the electronic devices (designated SVE034332 and identified in the index included in our June 19, 2012 letter) and materials from DuPont including several document analyses.

The hard drive (C2-000089) contains images of nine items obtained from (a) Pangang employee Hongli Miu, who was encountered at the Rodeway Inn, 1925 Webster Street, Alameda, California, through her counsel, Jeff Bornstein; (b) video surveillance from the Rodeway Inn; and (c) items from the Liew residence, 2 Crown Court, Orinda, California. Additional information regarding these items is included in an attachment to this letter entitled "Discovery Hard Drive # D-7."

The CDs contain the following information:

- CD bates-labeled C2-000084<sup>1</sup> contains scanned images of physical items seized from the Rodeway Inn, 1925 Webster Street, Oakland, CA
- CD bates-labeled C2-000085 contains images of physical items seized from Pan America, Inc., 2 Tower Center, East Brunswick, NJ
- CD bates-labeled C2-000086 contains data downloaded from a cellphone belonging to Timothy Spitler, 102 Rachel Street, Fernley, NV
- CD bates-labeled C2-000087 contains a reproduction of VHS tape entitled "Antioch," located at 2 Crown Court, Orinda, CA.
- CD bates-labeled C2-000088 contains a reproduction of VHS tape entitled "Bag Palletizing & Bag Placing Systems," located at 2 Crown Court, Orinda, CA

At Mr. Froelich's request, we are providing a replacement set of more legible C-1 materials as an interim measure. We expect to get even better copies to you in the next few weeks.

#### **OTHER MATTERS**

In response to specific matters raised in Ms. Agnolucci's September 19, 2012 email, please note the following:

Previously, you indicated that certain email files that we produced were corrupted. Specifically, bates C2-00004 ([admin@performanceusainc.com.2.txt.tgz](#) and [admin@performanceusainc.Redacted.1.txt.tgz](#)) and C2-00005 ([agiron@usapti.com.2.txt.tgz](#))

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<sup>1</sup> Materials designated "Confidential-2 – Subject to Protective Order" and bates-labeled C2-000027 to C2-000083 and consisting of various DuPont employment documents and trade secret policy information will be provided with additional discovery in the next two weeks.

agiron@usapti.Redacted.1.txt.tgz). After checking with the FBI, we do not believe that those files were "corrupted." The files were sent by the ISP with extensions of .tgz, which are generally considered Linux zip files and also known as "tar" files." The FBI used the Thunderbird program to open the files as standard mbox email files and that worked. Please let us know if this additional information allows you to access those files. Regardless, we will re-produce those materials to you shortly.

This production includes some materials obtained from Tim Spitler. We anticipate producing the rest of the Spitler materials (including an image of a computer seized from his residence) and Liu materials, including materials received from Mary McNamara, in the next two to three weeks.

We anticipate producing photos of each of the seized electronic devices, together with their identifying control number, by the end of the month.

The hard copy documents obtained during the search of the Rodeway Inn are contained in CD C2-000084 produced with this letter.


As set forth above, documents provided by Jeff Bornstein on behalf of Hongli Miu are provided in the enclosed hard drive (C2-000089).

Finally, we expect to provide you with a substantial amount of additional discovery in the next few weeks, including items identified above (Liu, Spitler, etc.), loose media (*e.g.*, CDs, thumb drives, etc.) from various search locations, and other records. Thus, with the exception of materials seized from locations associated with defendant Tze Chao, we anticipate that by the end of October we will have provided you with the vast majority of the discovery we intend to produce prior to an anticipated superseding indictment. As soon as we have a more definitive time-frame for the production of the Chao materials, we will share that with you.

Please contact either one of us if you have any questions concerning the foregoing.

Very truly yours,

MELINDA HAAG  
United States Attorney



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

Encl.

October 1, 2012

<b>SVRCFL Evidence #</b>	<b>Item Type</b>	<b>Item Description</b>	<b>Search Location</b>	<b>File Format</b>	<b>File List</b>
QSF1_Miu	Thumbdrive	Miu Hongli Laptop Files	Miu Hongli - Consent	Forensic	D-7
QSF2_Miu	Thumbdrive	Miu Hongli Laptop Files	Miu Hongli - Consent	Forensic	D-7
SVE034266	Cell-Zhuang Kai	Samsung - Zhuang Kai	Motel: Rm 208	Cellebrite	D-7
SVE034374	Cell	Motorola Cell Phone E680i	Orinda: 2 Crown Ct	Cellebrite	D-7
SVE034375	Cell	ATT SIM CARD from sve034374	Orinda: 2 Crown Ct	Cellebrite	D-7
SVE034689	Cell	Motorola Cell Phone L7 SLVR	Orinda: 2 Crown Ct	Cellebrite	D-7
SVE034690	Cell	ATT SIM CARD from sve034689	Orinda: 2 Crown Ct	Cellebrite	D-7
QSF3	Removable	DVD with Video Surveillance Capture	Motel - Rodeway Inn	DVR download	D-7
QSF4	Removable	DVD with Video Surveillance Capture	Motel - Rodeway Inn	DVR download	D-7