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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
WALTER LIEW,)
CHRISTINA LIEW,)
USA PERFORMANCE TECHNOLOGY,)
INC., and)
ROBERT MAEGERLE,)
)
Defendants.)

No. CR 11-0573 JSW

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
DECEMBER 13, 2012 TO MARCH 21,
2013

The parties, by and through the undersigned counsel, hereby stipulate and agree as follows:

1. On December 13, 2012, defendants Walter Liew, Christina Liew, USA Performance Technology, Inc. (USAPTI), and Robert Maegerle appeared before the Honorable Jeffrey S. White, United States District Judge, for a status hearing. Stuart Gasner and Simona Agnolucci appeared for Walter Liew and USAPT and specially appeared for Christina Liew, who

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was assisted by a court-appointed Chinese (Mandarin) interpreter. Jerome Froelich appeared for Robert Maegerle. Assistant United States Attorneys Peter B. Axelrod and John H. Hemann appeared for the United States. The Court set the matter for further status on March 21, 2013.

2. At the hearing, the parties jointly requested that time be excluded between December 13, 2012 and March 21, 2013 under the Speedy Trial Act (18 U.S.C. § 3161) on grounds of complexity and for effective preparation of counsel. The Court has previously determined the case to be complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) and excluded time under the Speedy Trial Act. Due to the volume of discovery and complexity of the issues, the parties agree that the Court should continue to exclude time under section 3161(h)(7)(B)(ii), as well as for the reasonable preparation of counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv). The United States believes that time is also properly excluded under 18 U.S.C. § 3161(h)(6) because the time for trial has not run as to the Pangang Group defendants and they have neither been severed nor dismissed from the case.

3. The attorneys for the defendants verify, by their agreement to this Stipulation, that they have advised their clients of their rights under the Speedy Trial Act and each of their clients has expressly agreed that time should be excluded as set forth above.

SO STIPULATED.

DATED: 1/2/13

MELINDA HAAG
United States Attorney

/S/

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

DATED: 1/2/13

/S/

STUART GANSER
SIMONA AGNOLUCCI
Counsel for Walter Liew and USA PERfo

DATED: 1/2/13

/S/

DORON WEINBERG

Counsel for Christina Liew

DATED: 1/2/13

/S/

JEROME J. FROELICH, JR.
Counsel for Robert Maegerle

~~PROPOSED~~ ORDER

Based upon the parties' stipulation, the record in this case, including the December 13, 2012 status conference, and for good cause shown, the Court finds that, under 18 U.S.C. § 3161(h)(7)(B)(ii), the case is so complex that it is unreasonable to expect adequate preparation for pretrial proceedings and for trial within the time limits set forth in 18 U.S.C. § 3161. The Court further finds that this exclusion of time will allow for the reasonable preparation of counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) and that the ends of justice served by excluding the time between December 13, 2012, and March 21, 2013, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Finally, time is properly excluded as to the Pangang Group defendants pursuant to 18 U.S.C. § 3161(h)(6), because the time for trial has not run and they have neither been severed nor dismissed from the case.

Therefore, IT IS HEREBY ORDERED that the time between December 13, 2012, and March 21, 2013, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(6), (h)(7)(A), (h)(B)(ii), and (h)(B)(iv)

DATED: February 25, 2013


JEFFREY S. WHITE
United States District Judge