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 USA PERFORMANCE TECHNOLOGY, INC.

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  
 15 PERFORMANCE TECHNOLOGY, INC.,  
 and ROBERT MAEGERLE,

16 Defendants.

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

**DECLARATION OF JOSHUA D.  
 MAREMONT IN SUPPORT OF  
 OPPOSITION TO GOVERNMENT'S  
 MOTION FOR REVOCATION OF  
 MAGISTRATE JUDGE'S RELEASE  
 ORDER**

Date: March 18, 2012  
 Time: 10:00 a.m.  
 Place: Courtroom 11-19th Floor  
 Dept.: Hon. Jeffrey S. White

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 \$2.2 million to  
22 process 5 terabytes of discovery.

23 6. To date, Kecker & Van Nest has received from the Government 5 terabytes of  
24 EnCase and other image data from 171 separate devices, including computers, servers, and  
25 external storage drives.

26 7. To date, Kecker & Van Nest has received 24GB of email data collected from  
27 multiple users’ accounts, which even after de-duplication yielded 139,790 documents (374,290  
28 pages). These emails would fill approximately 125 banker’s boxes. These emails represent less

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

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

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

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct and that this declaration was executed on March 13, 2013, at San  
11 Francisco, California.

12 /s/ Joshua D. Maremont

13 JOSHUA D. MAREMONT

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