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7 Attorneys for Defendant
WALTER LIEW

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 WALTER LIEW, CHRISTINA LIEW, USA
PERFORMANCE TECHNOLOGY, INC.,
16 and ROBERT MAEGERLE,
17 Defendants.

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

**STIPULATION AND [PROPOSED]
ORDER EXTENDING BRIEFING
SCHEDULE FOR GOVERNMENT'S
APPEAL OF ORDER SETTING
DEADLINE FOR DISCLOSURE UNDER
RULE 16**

1 The parties, by and through their undersigned counsel, stipulate and agree as follows:

2 1. The parties are scheduled to appear before the Court on April 18, 2013, at 2:00
3 p.m. for, among other things, a hearing on the Government's appeal of Magistrate Judge Cousins'
4 order setting a deadline for the Government's disclosure of documents under Rule 16(a)(1)(E)(ii)
5 (the "Rule 16 appeal").

6 2. The Government filed its brief on the Rule 16 appeal on March 14, 2013. On the
7 morning of March 18, the Court ordered the Defendant to submit his opposing brief by March 21,
8 2013, and the Government to submit its reply brief by March 28, 2013. Dkt. 277.

9 3. Later on the morning of March 18, the parties appeared before the Court on the
10 Government's motion to revoke Mr. Liew's detention order and were ordered to submit
11 additional briefing regarding the *in camera* declaration Mr. Liew submitted in support of his
12 detention order. Dkt. 278. Defense counsel began working exclusively on that additional
13 briefing and immediately asked counsel for the Government whether they would stipulate to
14 extend the briefing schedule on the Rule 16 appeal. Counsel for the Government agreed, and the
15 parties have since been working on this joint stipulation.

16 4. Two of the three attorneys representing Mr. Liew, Stuart Gasner and Katherine
17 Lovett, are out of the country without regular access to a computer. Mr. Gasner is out of the
18 country through the rest of the week, and Ms. Lovett is out of the country through next Monday.
19 Accordingly, only one attorney for Defendant (Ms. Agnolucci), who is staffed on other matters,
20 currently is able to work on this matter.

21 5. It would pose a significant hardship on defense counsel to complete the
22 defendant's opposition to the Rule 16 appeal in two days, by March 21, 2013.

23 6. All counsel agree to extend the briefing schedule for the Rule 16 appeal.

24 7. The parties hereby stipulate and agree that Mr. Liew's opposition brief on the
25 Rule 16 appeal be filed by March 29, 2013, and that the Government's reply brief be filed by
26 April 5, 2013.

27 SO STIPULATED AND AGREED,
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Dated: March 19, 2013

KEKER & VAN NEST LLP

By: /s/ Simona A. Agnolucci
STUART L. GASNER
SIMONA A. AGNOLUCCI
KATHERINE M. LOVETT

Attorneys for Defendant
WALTER LIEW

Dated: March 19, 2013

MELINDA HAAG
UNITED STATES ATTORNEY

By: /s/ John H. Hemann
JOHN H. HEMANN
PETER B. AXELROD
Assistant United States Attorneys

[PROPOSED] ORDER

Based upon the parties' stipulation and for good cause shown, Defendant's Opposition to the Government's appeal of Magistrate Judge Cousins' order setting a deadline for the Government's disclosure of documents under Rule 16(a)(1)(E)(ii) shall be filed by March 29, 2013, and the Government's reply thereto shall be filed by April 5, 2013.

Dated:

JEFFREY S. WHITE
United States District Judge