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8 USA PERFORMANCE TECHNOLOGY, INC.

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
16 PERFORMANCE TECHNOLOGY, INC.,
and ROBERT MAEGERLE,

17 Defendants.
18

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

**JOINT STATUS REPORT BY WALTER
LIEW, USAPTI, CHRISTINA LIEW,
ROBERT MAEGERLE AND THE
UNITED STATES**

Judge: Hon. Jeffrey S. White

Hearing Date: April 18, 2013

Hearing Time: 2:00 p.m.

1 Defendants Walter Liew, Christina Liew, Robert Maegerle, and USAPTI (“Defendants”)
2 on the one hand, and the United States, on the other hand, submit the following Joint Status
3 Report setting forth the status of this case.

4 **A. Status of Discovery.**

5 Since the parties’ last appearance before the Court, the government has produced
6 additional documents to the defense and the parties have continued to meet and confer about
7 discovery. The government currently anticipates producing a few remaining categories of
8 documents in the near future.

9 The parties agree that a deadline should be set for defendants to produce reciprocal
10 discovery pursuant to Rule 16(b)(1)(A)(ii). The government proposes June 28, 2013. Defendants
11 propose July 26, 2013.

12 **B. Trial Date.**

13 The parties agree that this case should be tried in 2013. In light of court closures for
14 holidays and the Court’s schedule in October and November, defendants propose that trial begin
15 on October 21 or 28. The government understands that the Court has another criminal trial
16 scheduled to begin on October 28, and accordingly requests that the Court set this trial for the
17 first available date on its calendar after October 1, 2013.

18 The parties estimate that the trial will take four to six weeks to complete.

19 **C. Motions Practice.**

20 Defendants anticipate a variety of motions, including at a minimum:

- 21 • An omnibus discovery motion;
- 22 • Motions for Rule 17 subpoenas;
- 23 • A motion for a bill of particulars seeking specification of the alleged trade secrets;
- 24 • Motions attacking the indictment;
- 25 • Motions regarding the propriety of the searches undertaken and statements made;
- 26 and
- 27 • A motion regarding whether and to what extent all parties and issues should be
28 tried in one case.

1 The parties propose that all motions, other than motions in limine and *Daubert* motions,
2 be filed by June 27, 2013; oppositions to be filed on July 25, 2013; replies filed on August 8,
3 2013; and a hearing on the motions on August 29, 2013.

4 **D. Experts.**

5 There is likely to be considerable expert testimony in this matter. The parties propose
6 that, pursuant to Rule 16(a)(1)(G), the government produce a summary of any expert testimony it
7 intends to use no later than July 1, 2013. The government proposes that defendants produce a
8 summary of any expert testimony they intend to use no later than July 31, 2013; defendants
9 propose their expert disclosure date to be August 28, 2013. The parties further propose that the
10 Court set deadlines for *Daubert* motions for after the production of expert reports.

11 **E. Other Pretrial Deadlines.**

12 The parties understand that the Court intends to deviate from the deadlines set forth in its
13 Guidelines for Criminal Jury Trials, and that the Court intends to order the parties to exchange
14 and file their pretrial submissions farther in advance of the pretrial conference than it ordinarily
15 requires. The parties propose that the pretrial submissions described in paragraphs 5 and 6 of the
16 Court's Guidelines for Criminal Jury Trials be exchanged and filed 30 days before the pretrial
17 conference rather than 2 weeks before. Defendants further propose that the page limitation for
18 pretrial briefs be extended to 30 pages. The government leaves to the Court's discretion the page
19 limit for pretrial briefs.

20
21 Dated: April 17, 2013

KEKER & VAN NEST LLP

22
23 By: /s/ Stuart L. Gasner

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Dated: April 17, 2013

By: /s/ Doron Weinberg
DORON WEINBERG

Attorney for Defendant
ROBERT J. MAEGERLE

Dated: April 17, 2013

By: /s/ Jerome J. Froelich, Jr.
JEROME J. FROELICH, JR.

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Dated: April 17, 2013

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