

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
3 Chief, Criminal Division

4 JOHN H. HEMANN (CSBN 165823)
5 PETER B. AXELROD (CSBN 190843)
Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102-3495
Telephone: (415) 436-7200
8 FAX: (415) 436-7234
john.hemann@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)	CASE NO. CR-11-0573-JSW
)	
15 Plaintiff,)	DECLARATION OF JOHN HEMANN IN
)	SUPPORT OF UNITED STATES'
16 v.)	MEMORANDUM IN OPPOSITION TO
)	DEFENDANTS' MOTION TO DISMISS (DKT.
17 WALTER LIEW, CHRISTINA LIEW, USA)	312) AND MOTION FOR A BILL OF
18 PERFORMANCE TECHNOLOGY, INC.,)	PARTICULARS (DKT. 314)
AND ROBERT MAEGERLE,)	
)	Date: June 6, 2013
19 Defendants.)	Time: 2:00 pm
)	

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21 I, John Hemann, declare as follows:

- 22 1. I am one of the Assistant United States Attorneys assigned to prosecution the above-captioned
- 23 action.
- 24 2. I am knowledgeable about the government's production of discovery to the defendants. I have also
- 25 reviewed the record of discovery production that has been maintained by my office.
- 26 3. The government has produced a large quantity of discovery to the defendants, much of which
- 27 consists of documents seized from the defendants and their business during the execution of search
- 28 warrants. In addition to the broad categories of discovery required to be produced under Fed. R.

1 Crim. P. 16(a), the government has produced certain information is discrete and separation
2 productions of information, including:

- 3 • On May 24, 2012, the government produced the relevant search warrants and related
4 records, certain FBI 302s, and bank records.
 - 5 • On June 19, 2012, the government produced an index of seized electronic devices and a
6 corresponding list of computer files for each device, including name, path, file size, and
7 create, access, and modification dates for the computer files.
 - 8 • On March 8, 2013, the government produced DuPont confidential documents seized from
9 co-defendant Tze Chao.
 - 10 • On April 10 and 11, 2013, the government produced FBI 302s memorializing witness
11 interviews conducted by FBI agents through the course of their investigation.
 - 12 • On April 17, 2013, the government produced the documents government counsel
13 considers to be significant or “key” to the prosecution, and specifically identified trade
14 secret documents that had previously been produced.
 - 15 • On May 16, 2013, the government produced a complete set of tax records related to the
16 false tax return charges.
- 17 4. The government has produced 8000 pages of documents it considers to be DuPont proprietary
18 information (other than the information seized from Tze Chao) and designated “C-1” under the
19 Protective Order. On July 3, 2012, the government produced nearly 1800 pages of hard copy
20 documents considered to be DuPont proprietary information, including trade secrets. These
21 documents were obtained by the government during the execution of search warrants. On December
22 5, 2012, the government produced approximately 6000 additional hard copy documents considered
23 to be DuPont propriety information, including trade secrets. This production included detailed
24 analysis by DuPont TiO2 experts.
- 25 5. The government has responded to each of defendants’ requests for better or more legible copies of
26 certain documents, including on December 5 and 12, 2012, by providing new copies of documents
27 defendants and their attorneys had a difficult time reading. The government also has made the
28 original documents and evidence available for defense counsel to review at the FBI. I believe that

1 counsel for defendants have visited the FBI twice to review discovery.

2 I declare under penalty of perjury that the foregoing is true to the best of my knowledge and
3 recollection. Executed this 16th day of May 2013 at San Francisco, California.

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5 */s/ John H. Hemann*

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7 John Hemann
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