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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,)	EX PARTE MOTION BY THE UNITED STATES
)	TO CONTINUE STATUS HEARING REGARDING
16 v.)	PANGANG GROUP DEFENDANTS AND
)	PROPOSED ORDER
17 PANGANG GROUP COMPANY, LTD.,)	
18 PANGANG GROUP STEEL VANADIUM &)	
19 TITANIUM COMPANY, LTD., PANGANG)	
GROUP TITANIUM INDUSTRY COMPANY,)	
20 LTD., PANGANG GROUP)	
INTERNATIONAL ECONOMIC &)	
21 TRADING COMPANY,)	
)	
Defendants.)	

22
23 The United States moves *ex parte* pursuant to Criminal Local Rule 47-3 to continue the status
24 conference in the above-captioned action from July 25, 2013, to August 8, 2013, at 2:00 pm. The
25 United States has communicated with counsel for the Pangang Group defendants and counsel concurs
26 that proceeding by *ex parte* motion is appropriate.

27 The reasons for this motion are as follows:

- 28 1. The Court has granted defendants’ motion to quash and held that the United States has not

1 effectively served summonses on defendants pursuant to Fed. R. Crim. P. 4. The Court scheduled a
2 status conference so that the government could advise the Court and defendants how it intends to
3 proceed with the pending prosecution of the Pangang Group defendants

4 2. The United States Department of Justice has been considering the available options. The
5 Department of Justice has not reached a final determination as to the most appropriate way to proceed,
6 though a decision will be made shortly.

7 3. The defendants in this case who are before the Court – Walter Liew, Christina Liew, Robert
8 Maegerle, and USAPTI – are scheduled to appear on August 8, 2013, for a hearing on motions and
9 various other matters.

10 4. The government anticipates that will be in a position to advise the Court on August 8, 2013, how
11 it wishes to proceed with the prosecution of the Pangang Group defendants.

12 5. Counsel for the United States has notified counsel for the Pangang Group defendants that the
13 United States will request a continuance from July 25, 2013, to August 8, 2013. Counsel for the
14 Pangang Group defendants advised that the government should represent to the Court that his client has
15 no position regarding the date of the status conference.

16 6. Given that Pangang Group defendants' are appearing specially through counsel and their
17 counsel's representation that defendants have no position regarding the date of the status hearing,
18 proceeding by *ex parte* motion is appropriate.

19 For these reasons, the United States respectfully requests that the Court continue the status
20 hearing regarding the Pangang Group defendants from July 25, 2013, to August 8, 2013.

21 Respectfully submitted,

22 MELINDA HAAG
23 United States Attorney

24 *John H. Hemann*

25 Dated: July 21, 2013

26 _____
27 JOHN H. HEMANN
28 PETER B. AXELROD
Assistant United States Attorneys

~~PROPOSED~~ ORDER

The government's *ex parte* motion is GRANTED. The status hearing in the above-captioned
July 25, 2013
action is continued from ~~July 23, 2013~~, to August 8, 2013, at 2:00 pm.

IT IS SO ORDERED.

Dated: July 22, 2013 _____


JEFFREY S. WHITE
United States District Judge

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