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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER LIEW, and others,

Defendants.

Case No. 11-cr-00573 JSW (NC)

**ORDER GRANTING IN PART
THE GOVERNMENT’S
REQUEST TO EXTEND
EXPERT REPORT
DISCLOSURE DEADLINES**

Re: Dkt. Nos. 393, 395

The Court considers the government’s second request to extend its deadline for expert report disclosures. On June 19, 2013, the Court ordered the government to disclose its expert reports by July 22. Upon a stipulated request, the Court then extended the deadline one week, to July 29. Now the government seeks three additional weeks, to August 19. Defendants oppose the request.

The government’s request is mostly a last-second motion to reconsider that is unsupported by new law or facts. The facts that government attorneys had a trial in another case, have been diligently working on this case, had to travel to meet with experts in this case, and that one attorney took a family vacation, are all facts that were known or reasonably anticipated by the government at the time of the June 19 hearing. The only significant circumstance that has changed is that Judge White moved the next motion hearing in the case from July 25 to August 8. The government is correct in recounting

1 that the expert disclosure schedule was intended to put the case on track to be set for trial
2 at the next appearance before Judge White.

3 On the other side of the ledger, Mr. Liew has been in federal custody since July 28,
4 2011. On February 26, 2013, the undersigned magistrate expressed concern that with
5 nineteen months elapsed, discovery not yet complete, and new charges planned for the
6 future, further detention pointed strongly to a denial of Mr. Liew's due process rights.
7 Dkt. 255 at 4. The Court is not impressed that five months after that order and more than
8 two years after arresting Mr. Liew, the government is still scrambling for experts and is
9 evidently not ready to set the case for trial.

10 Considering all the evidence presented, the Court finds that there is good cause to
11 extend the expert report disclosure deadlines for one more week. The government's
12 disclosures are due August 5. The defendants' disclosures are due September 27. This
13 should keep the parties on track to set a trial date at the August 8 appearance before Judge
14 White.

15 Any party may appeal this non-dispositive order to Judge White, but must do so
16 within fourteen days.

17 IT IS SO ORDERED.

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19 DATE: July 24, 2013

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21 NATHANAEL M. COUSINS
22 United States Magistrate Judge
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