

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

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

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-6774
8 FAX: (415) 436-7234
Peter.axelrod@usdoj.gov

9 Attorneys for Plaintiff

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

13 UNITED STATES OF AMERICA,)	CASE NO. CR 11-0573 JSW
14)	
15 Plaintiff,)	
16 v.)	UNITED STATES' NOTICE OF WITHDRAWAL
17 WALTER LIEW, CHRISTINA LIEW,)	FROM SETTLEMENT CONFERENCE;
18 ROBERT MAEGERLE, AND USA)	[PROPOSED] ORDER VACATING FURTHER
PERFORMANCE TECHNOLOGY, INC.,)	SETTLEMENT CONFERENCE
19 Defendants.)	
20)	
)	
)	

21 **NOTICE OF WITHDRAWAL FROM SETTLEMENT CONFERENCE**

22
23 On April 19, 2013, District Court Judge Jeffrey S. White referred this matter for a settlement
24 conference before Magistrate Judge Laurel Beeler. Docket No. 304. On April 22, 2013, Magistrate
25 Judge Beeler issued a settlement conference order. Docket No. 306. Thereafter, on June 13, 2103,
26 through a Clerk's Notice, Judge Beeler set a settlement conference for August 19, 2013.

27 On June 13, 2013, the Supreme Court issued its decision in *United States v. Davila*, 133 S.Ct.
28 2139, which raised concerns about criminal settlement conferences under Rule 11 of the Federal Rules

1 of Criminal Procedure under certain circumstances. In light of *Davila* and pursuant to Criminal Local
2 Rule 11-1(d), which provides for a party's withdrawal from the settlement conference, the United States
3 hereby files a notice of withdrawal of its participation in this settlement conference. The United States
4 has advised counsel for the defendants of its intention to withdraw from this settlement conference and
5 they have no objection.

6
7 DATED: August 2, 2013

Respectfully submitted,
MELINDA HAAG
United States Attorney

8
9 /S/

10 _____
11 PETER B. AXELROD
12 JOHN H. HEMANN
13 Assistant United States Attorneys

14 **[PROPOSED] ORDER**

15
16
17 Based on the foregoing, and good cause appearing, the Court vacates the settlement conference
18 set for August 19, 2013 and terminates any further settlement conference based on Judge White's order
19 of referral.

20 IT IS SO ORDERED.

21 DATED:

22 _____
23 LAUREL BEELER
24 United States Magistrate Judge