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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 Plaintiff,)	UNITED STATES' STATUS REPORT RE:
)	MOTION TO SEAL EXHIBITS
15 v.)	
)	
16 WALTER LIEW; CHRISTINA LIEW; USA)	
17 PERFORMANCE TECHNOLOGY, INC.;)	
18 AND ROBERT MAEGERLE ,)	
)	
19 Defendants.)	

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21 In response to the Court's Order Requiring Joint Status Report on Motion to Seal Exhibits
22 (Docket No. 418), the United States files this report to update the Court. The Order specifically related
23 to defendants' administrative motion to file under seal Exhibits P-S and U-Y to Simona Agnolucci's
24 declaration in support of defendants' motion for a bill of particulars. Docket No. 311.

25 First, the United States apologizes to the Court for this late filing. The Court instructed the
26 parties to meet and confer and file a joint report on August 16, 2013. Both government counsel were out
27 of the office on that day, had briefs due in this case on August 14 and August 15, and missed the
28 deadline. The United States has since reviewed Defendants' Status Report re Motion to Seal Exhibits

1 (Docket No. 428).

2 With respect Exhibits P-S and U-Y from the defendants' administrative motion to seal, the
3 United States has initiated the process to provide those exhibits to DuPont so the United States can
4 determine if there is a way to limit the information that must remain under seal and file a declaration
5 with the Court that establishes what information from those exhibits is sealable pursuant to Civil Local
6 Rule 79-5(d). As the United States indicated in its Administrative Motion for Relief (Docket No. 318),
7 in order to share those exhibits with DuPont under terms of the protective order (Docket 168), the
8 United States must provide the defense with notice of its intent to show them to the defense and provide
9 the defense with seven days to object. The United States has provided the defense with the requisite
10 notice and assuming the defense responds promptly, the United States intends to file its sealing
11 declaration within fourteen days of the resolution of any objection from the defense of such a disclosure.

12 Additionally, the United States intends to meet and confer with the defense in the next week
13 regarding the most efficient procedures for addressing the sealing of documents as the parties prepare
14 for the trial. The United States agrees with the defense that the procedures identified in Criminal Local
15 Rule 55-1(b) and Civil Local Rule 79-5 are the best starting point but believe that some modifications to
16 the Protective Order may result in a procedure that is more effective for the particular circumstances of
17 this case.

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20 DATED: August 20, 2013

Respectfully submitted,

21 MELINDA HAAG
22 United States Attorney

23 /S/

24 _____
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