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 13 USA PERFORMANCE TECHNOLOGY, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 WALTER LIEW, CHRISTINA LIEW, USA
 21 PERFORMANCE TECHNOLOGY, INC.,
 22 and ROBERT MAEGERLE,

23 Defendants.

24 Case No. CR 11-0573-JSW (NC)

25 **NOTICE OF WITHDRAWAL
 26 OF MOTION TO COMPEL
 27 COMPLIANCE WITH THE COURT'S
 28 RULE 16(A)(1)(E)(II) ORDER**

Date: October 2, 2013
 Time: 11:00 a.m.
 Place: Courtroom A, 15th Floor
 Dept.: Hon. Nathanael Cousins

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TO ALL PARTIES AND COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that, pursuant to Civil Local Rule 7-7, Defendants Walter Liew and USA Performance Technology, Inc. (“USAPTI”) hereby withdraw without prejudice their pending Motion to Compel Compliance with the Court’s Rule 16(a)(1)(E)(ii) Order filed on September 18, 2013 at Docket No. 449 (“Motion to Compel”). After Defendants filed their Motion to Compel, the Government produced the set of the “Attachment E” documents flagged at FBI headquarters that Defendants had requested. In addition, after Defendants filed their Motion to Compel, the Government met and conferred with Defendants regarding the majority of Defendants’ questions regarding the “Attachment C” documents. The Government has represented that it will continue to meet and confer with Defendants regarding their remaining questions. Accordingly, at this time, Defendants’ Motion to Compel has become moot.

Defendants further request that the hearing set for October 2, 2013 before this Court be vacated.

Dated: September 25, 2013

KEKER & VAN NEST LLP

By: /s/ Stuart L. Gasner

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