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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,)
16 v.) GOVERNMENT’S RESPONSE TO
17 WALTER LIEW, ET AL.,) DEFENDANTS’ ADMINISTRATIVE MOTION TO
18 Defendants.) SET BRADY/GIGLIO DISCLOSURE DEADLINE
19)
20)

21 The United States agreed to an October 25, 2013, deadline by which the government will
22 produce materials in its possession that the prosecutors believe are subject to disclosure under *Brady* and
23 *Giglio*. See Agnolucci Decl., Ex. B (Oct. 7, 2013, email from Hemann to Agnolucci).

24 A court order is not necessary, given the constitutional nature of the government’s obligation.
25 Moreover, as is common and for myriad different reasons, information that is subject to *Brady* or *Giglio*
26 disclosure may come to light after a deadline but prior to the conclusion of trial. Accordingly, the
27 government understands its continuing obligation to notify the defense of exculpatory evidence.

28 The procedural vehicle being used by defendants – an administrative motion under Civil Local

1 Rule 7-11 – is not appropriate. First, the proposed order submitted by defendants does not conform to
2 the language to which the government agreed after meeting and conferring with defense counsel, as set
3 forth in the October 7 email attached to counsel’s declaration. Second, there is a dispute as to the
4 necessity of a court order given the independent constitutional obligation to produce exculpatory
5 information. Accordingly, an administrative motion does not appear to be appropriate.

6 Respectfully submitted,

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9 *John H. Hemann*

10 Dated: October 10, 2013

11 _____
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