

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

No. CR 11-00573-1 JSW
No. CR 11-00573-2 JSW
No. CR 11-00573-3 JSW
No. CR 11-00573-4 JSW

**ORDER GRANTING
DEFENDANTS’
ADMINISTRATIVE MOTION TO
SET BRADY/GIGLIO
DISCLOSURE DEADLINE**

(Docket No. 471)

This matter comes before the Court upon consideration of the Administrative Motion to Set a Disclosure Deadline for *Brady/Giglio* Material, filed by filed by Defendants Walter Liew (“Mr. Liew”), Christina Liew (“Ms. Liew”), USA Performance Technology, Inc. (“USAPTI”), and Robert Maegerle (“Mr. Maegerle”) (collectively “Defendants”). Defendants ask that the Court set October 25, 2013 as the deadline by which the Government produces any material subject to disclosure under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). The Government agrees to this disclosure deadline, but it argues that a Court order is not required, because of its continuing duty to disclose such material.

The Court advised the parties that it would set a deadline for disclosure of *Brady* and *Giglio* material in advance of the pretrial filings deadline. The Government stated that this procedure was “satisfactory.” (*See* Declaration of Simona Agnoloucci, Ex. A (Transcript of Proceedings, at 8:10-9:6.)

//

1 Accordingly, the Court GRANTS Defendants' administrative motion. The parties have
2 agreed upon a deadline of October 25, 2013 for that disclosure and the Court adopts that
3 deadline. The Court recognizes that the Government may discover material that can and should
4 be disclosed after the October 25, 2013 deadline, and it expects that the Government will
5 continue to abide by its obligations under *Brady* and *Giglio*.

6 The Court notes, however, that the parties should not construe this Order to mean the
7 Court will automatically exclude *Brady* or *Giglio* material that is produced after October 25,
8 2013. If the Government produces materials after October 25, 2013, and if the Defendants
9 believe that the Court should take action as a result of those disclosures, they may seek relief by
10 way of a properly noticed motion.

11 **IT IS SO ORDERED.**

12 Dated: October 11, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28