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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,) No. CR 11-0573 JSW (NC)
15 Plaintiff,)
16 v.) *EX PARTE* MOTION TO SCHEDULE
17 WALTER LIEW, and) BAIL REVIEW HEARING FOR
CHRISTINA LIEW,) FEBRUARY 2, 2012, AND SET
18 Defendants.) BRIEFING SCHEDULE;
19) MEMORANDUM OF POINTS AND
20) AUTHORITIES; DECLARATION OF
JOHN H. HEMANN
21) UNDER SEAL

21 MOTION

22 The United States hereby moves ex parte to schedule the bail review hearing noticed by
23 defendant Walter Liew for February 2, 2012, at 11:00 am, and to require the United States'
24 opposition to the motion to be filed on January 27, 2012.

25 MEMORANDUM OF POINTS AND AUTHORITIES

26 1. On January 18, 2012, Defendant Walter Liew filed a 35-page motion (supported by
27 approximately 139 pages of exhibits) to be released from pre-trial detention and noticed that
28 motion to be heard on January 25, 2012.

1 2. Counsel for the United States requested more time - one week - to respond to the motion;
2 counsel for defendant declined. Counsel for the United States asked, yesterday, whether defense
3 counsel would agree to a brief telephone conference with the Court to discuss scheduling;
4 counsel for defendant objected. Counsel for the United States asked whether defendant counsel
5 objected to a short letter to the Court asking for a new hearing date and briefing schedule;
6 counsel for defendant refused to agree.

7 3. Accordingly, we file this ex parte motion requesting the following: (1) that the United
8 States have until January 27, 2012, to respond to the bail motion; and (2) that the motion be
9 scheduled for hearing on February 1, 2012, at 11:00 am.

10 4. On January 9, 2011, defense counsel met with the assigned Assistant U.S. Attorneys and
11 explained some of their arguments that Defendant Liew should be released from custody,
12 including the availability of sureties to secure his release. Counsel represented that one of the
13 attorneys had been working "nearly full time" on preparing the arguments in support of release.
14 The parties agreed on a January 25, 2012, hearing date. The next day, defense counsel sent a
15 letter listing the names of the sureties.

16 5. Defendant, however, did not file his motion seeking release until January 18, 2012 --
17 seven days before the scheduled hearing date. Moreover, when filed, the motion was 35 pages
18 long and with it were approximately 139 pages of exhibits. The arguments address every factor
19 the court is required to consider under the bail reform act. The brief makes myriad factual
20 assertions regarding defendant's financial circumstances, his background and connections to the
21 United States, and the merits of the case. It also identifies numerous proposed sureties who
22 would be willing to sign bonds for defendant.

23 6. Counsel for the United States does not have time to investigate and respond articulately to
24 this long motion and the many arguments presented by defense counsel before the scheduled
25 hearing. Even if the assigned Assistant U.S. Attorneys had no other obligations this week and
26 next -- which is not the case -- responding to a 35-page, factually-intensive motion in less than a
27 week would be unreasonable. Indeed, the assigned AUSAs have significant work-related
28 obligations the remaining days of this week and the first two days of next week that cannot be

1 rescheduled.

2 7. If the defendant's arguments are serious, which we assume they are, the United States is
3 entitled to a reasonable amount of time to respond in a serious and thorough fashion.

4 Accordingly, we respectfully request that the Court order that the government's response to
5 defendant's motion is due on January 27, 2012, and that the hearing on the motion will take place
6 on February 1, 2012, at 11:00 am.

7 DATED: January 19, 2012

MELINDA HAAG
United States Attorney

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9

/s/

JOHN H. HEMANN
PETER B. AXELROD

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11 DECLARATION OF JOHN H. HEMANN

12 I, John H. Hemann, declare:

13 1. I am one of the Assistant U.S. Attorneys assigned to this case.

14 2. I have knowledge of the factual assertions set forth in the above-memorandum. Those
15 assertions are true and correct to the best of my recollection.

16 Executed under penalty of perjury, January 19, 2012, at San Francisco, California.

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/s/

John H. Hemann

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
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Plaintiff,)
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v.)
)
WALTER LIEW and)
CHRISTINA LIEW,)
)
Defendants.)

No. CR 11-0573 JSW (NC)

[PROPOSED] ORDER GRANTING *EX PARTE* MOTION TO SCHEDULE BAIL REVIEW HEARING FOR FEBRUARY 2, 2012, AND SETTING BRIEFING SCHEDULE

UNDER SEAL

ORDER

The United States's *ex parte* motion is GRANTED. The bail review hearing for defendant Walter Liew shall take place on February 2, 2012, at 11:00 am. The United States shall files its opposition to the motion on or before January 27, 2012.

IT IS SO ORDERED.

Dated: _____

Nathaneal Cousins
United States Magistrate Judge