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| 8 | USA PERFORMANCE TECHNOLOGI, INC. | | | |
| 9 | UNITED STATES DISTRICT COURT | | | |
| 10 | NORTHERN DISTRICT OF CALIFORNIA | | | |
| 11 | SAN FRANCISCO DIVISION | | | |
| 12 | UNITED STATES OF AMERICA, | Case No. | CR 11-0573-JSW (NC) | |
| 13 | Plaintiff, | JOINT STIPULATION AND [PROPOSED ORDER REGARDING PRETRIAL SUBMISSIONS | | |
| 14 | V. | | | |
| 15 16 | WALTER LIEW, CHRISTINA LIEW, USA PERFORMANCE TECHNOLOGY, INC., and ROBERT MAEGERLE, | Dept.: | Hon. Jeffrey S. White Courtroom 11, 19th Floor | |
| 17 | Defendants. | | | |
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Defendants Walter Liew, Robert Maegerle, and USA Performance Technology, Inc., on the one hand, and the United States, on the other hand, by and through their undersigned counsel, stipulate and agree as follows:

- 1. The Court has scheduled the pretrial conference in this matter for December 15, 2013.
- 2. The Court has ordered the parties to file their pretrial submissions by November 15, 2013.
- 3. No later than November 15, 2013, the parties intend to submit a jointly signed proposed final pretrial order in accordance with paragraph 5 of the Court's Guidelines for Motions, Final Pretrial Conference, and Trial ("Guidelines"), which, in addition to the matters set forth in Northern District Criminal Local Rule 17.1-1(b), contains: (i) a brief description of the substance of the case; (ii) a joint exhibit list in numerical order, and (iii) each party's separate witness list for its case-in-chief witnesses. No later than November 15, 2013, the parties also intend to submit jury instructions, a statement of the case, voir dire questions, trial briefs, and a list of exhibit objections in accordance with paragraphs 6(a) through (f) of the Guidelines.
- 4. The parties currently are meeting and conferring about whether they will enter into any factual or evidentiary stipulations, including but not limited to stipulations regarding the accuracy of translations of Chinese documents and the authenticity of documents. In light of the anticipated volume of exhibits, the parties will require significant time to review and analyze each other's proposed exhibits before entering into any stipulations. Accordingly, the parties stipulate and agree that they will submit any stipulations to the Court no later than December 6, 2013.
- 5. The government anticipates creating "summary exhibits" that summarize factual information and data contained in the parties' other exhibits. The defense may prepare similar "summary exhibits." The parties hereby stipulate and agree to exchange those summary exhibits on or before December 4, 2013, to exchange any objections to those summary exhibits before December 9, 2013, and to submit a list of summary exhibits and objections thereto to the Court no later than December 11, 2013.

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| 1 | 6. The parties propose exchanging their opening motions in limine no later than | | | |
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| 2 | November 15, 2013, exchanging oppositions no later than November 21, 2013, and submitting | | | |
| 3 | binders of the motions in limine and oppositions to the Court in accordance with paragraph 6(g) | | | |
| 4 | 4 of the Court's Guidelines no later than November 22, 2013. | of the Court's Guidelines no later than November 22, 2013. | | |
| 5 | 5 SO STIPULATED AND AGREED. | SO STIPULATED AND AGREED. | | |
| 6 | 6 Dated: October 21, 2013 KEKER & VAN NEST LI | _P | | |
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| 8 | STOTIKT E. GASTVER | | | |
| 9 | 9 SIMONA A. AGNOLUCO KATHERINE M. LOVET | | | |
| 10 | Theorie ye for Berendanes | PERFORMANCE | | |
| 11 | WALTER LIEW and USA TECHNOLOGY, INC. | . PERFORMANCE | | |
| 12 | | | | |
| 13 | Dated: October 21, 2013 MELINDA HAAG UNITED STATES ATTOL | RNEY | | |
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| 15 | | _ | | |
| 16 | PETER B. AXELROD Assistant United States Att | orneys | | |
| 17 | | | | |
| 18 | Dated: October 21, 2013 By: /s/ Jerome J. Froelich, Jr. JEROME J. FROELICH, J | R. | | |
| 19 | 19 Attorney for Defendant ROBERT J. MAEGERLE | | | |
| 20 | 20 ROBERT J. MAEGERLE | | | |
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| 24 | [PROPOSED] ORDER | | | |
| 25 | Based on the parties' stipulation and for good cause shown, it is hereby ordered as | | | |
| 26 | 26 follows: | | | |
| 27 | 1. The parties shall submit binders of their motions in limine and oppositions thereto | | | |
| 28 | in accordance with paragraph 6(g) of the Court's Guidelines no later than November 22, 2013. | | | |
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| 1 | 2. The parties shall submit a list of summary exhibits and objections thereto to the | | | |
| 2 | Court no later than December 11, 2013. | | | |
| 3 | 3. The parties shall subm | . The parties shall submit any factual or evidentiary stipulations to the Court no later | | |
| 4 | than December 6, 2013. | | | |
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| 6 | Dated: | | | |
| 7 | | Honorable Jeffrey S. White Judge, United States District Court | | |
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