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9 Attorneys for Plaintiff

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,)	DECLARATION OF PETER B. AXELROD IN
)	SUPPORT OF UNITED STATES' OPPOSITION
16 v.)	TO DEFENDANTS' MOTIONS TO EXCLUDE
)	EXPERT TESTIMONY OF DANIEL DAYTON,
17 WALTER LIEW; CHRISTINA LIEW; USA)	JAMES FEINERMAN, AND ROBERT GIBNEY
18 PERFORMANCE TECHNOLOGY, INC.;)	(DOCKET NO. 477, 480, 482)
AND ROBERT MAEGERLE,)	
)	
19 Defendants.)	
)	

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21 I, Peter B. Axelrod, declare and state as follows:

- 22 1. I am an Assistant United States Attorney assigned to the prosecution of the above-caption matter.
- 23 2. I make this declaration in support of the United States' opposition to defendants' motions to
- 24 exclude the testimony of James Feinerman, Daniel Dayton, and Robert Gibney.
- 25 3. Attached as Exhibit 1 to this declaration is a document entitled "Dayton Disclosure Statement,
- 26 Exhibit A: Information Reviewed, August 5, 2013," that was provided to defense counsel on August 5,
- 27 2013.
- 28 4. Attached as Exhibit 2 to this declaration is a document entitled "Documents Reviewed in

1 Connection with Disclosure Statement of James V. Feinerman,” which identifies information reviewed
2 by James Feinerman in conjunction with his expert disclosure statement. Feinerman’s expert disclosure
3 statement was provided to the defense on August 8, 2013.

4 5. Attached as Exhibit 3 to this declaration is the curriculum vitae of Robert Gibney.

5 6. I spoke to the Assistant U.S. Attorney and Department of Justice attorney who handled the Liou
6 case at trial. They informed me that Mr. Akers was not noticed or qualified as an expert witness. He
7 presented the testimony recited by the 5th Circuit in its opinion as percipient witness testimony.

8 I declare under penalty of perjury that the foregoing is true and correct to the best of my
9 knowledge and that this declaration was executed on October 25, 2013 in San Francisco, California.

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11 MELINDA HAAG
12 United States Attorney

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15 PETER B. AXELROD
16 Assistant United States Attorney
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