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

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

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 TO GOVERNMENT TO  
SHOW CAUSE WHY MOTIONS  
TO SEAL SHOULD NOT BE  
DENIED**

On October 25, 2013, Defendants filed an administrative motion to seal Exhibit A to the Declaration of Stuart L. Gasner in support of their opposition to the motion to exclude the testimony of Paul A. Cooper (Docket No. 507) and an administrative motion to seal Exhibits C, D and E to the Declaration of Christina M. Blais in support of their opposition to the motion to exclude the Defendants' expert witnesses Gerald Cox and Gordon Klein (Docket No. 511). However, in their motion, the Defendants take the position that the information is not sealable and should be filed in the public record. Defendants filed the motion to seal based solely on the terms of the protective order.

Pursuant to Northern District Criminal Local Rule 56-1(c) and Northern District Civil Local Rule 7-11, any opposition to the Defendants' motion should have been filed by October 29, 2013. The Government has not opposed the Defendants motion, presumably because it believes the document are sealable. However, it has not responded to Defendants' position that the documents are not sealable and should be filed in the public record.

1 This Court has repeatedly stated that the fact that the documents have been designated  
2 confidential pursuant to the protective order is not sufficient to establish that they should be  
3 filed under seal.

4 Accordingly, the Government is HEREBY ORDERED TO SHOW CAUSE, IN  
5 WRITING, why the motions to seal should not be denied. The Government's response to this  
6 Order to Show Cause shall be due by no later than November 14, 2013. If the Court does not  
7 receive a response by that date, the Court shall order Defendants to file the documents in the  
8 public record.

9 **IT IS SO ORDERED.**

10 Dated: November 6, 2013

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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