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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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16 E. I. DU PONT DE NEMOURS AND
COMPANY,

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Plaintiff,

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v.

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USA PERFORMANCE TECHNOLOGY,
20 INC., PERFORMANCE GROUP (USA),
INC., WALTER LIEW, and JOHN LIU,

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Defendants.

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Case No. 3:11-cv-01665-JSW

**JOINT STATUS REPORT AND
[PROPOSED] ORDER EXTENDING
STAY OF ACTION**

Judge: Hon. Jeffrey S. White
Hearing Date: None

24 Pursuant to the Court's November 29, 2011 Order, Plaintiff E. I. du Pont de Nemours and
 25 Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc.
 26 (collectively "USAPT") submit this Joint Status Report. The parties request that the stay in this
 27 matter set to expire on January 31, 2012, remain in place for an additional 60 days, through April
 28 2, 2012.

1 On August 23, 2011, the United States filed *United States v. Walter Liew and Christina*
2 *Liew*, No. CR-11-0573-RS.

3 DuPont's Position: The indictment alleges that defendant Walter Liew and his wife,
4 Christina Liew, tampered with a witness in this action by, among other things, telling the witness
5 not to reveal his knowledge of certain employees of defendant USAPTI because it would not be
6 good for the witness or his family, and instructing the witness to lie about his knowledge of
7 certain individuals relevant to the trade secret case, in violation of 18 U.S.C. § 1512. The
8 indictment also alleges that Walter Liew and Christina Liew engaged in misleading conduct
9 towards agents of the Federal Bureau of Investigation and made false statements during the
10 execution of a search warrant by intentionally lying to the agents concerning the whereabouts of a
11 safe deposit box that contained evidence relevant to the FBI's investigation, in violation of 18
12 U.S.C. §§ 1001 and 1512. (Docket # 41 at 2(b).)

13 USAPT's Position: Defendants believe that the August 23 Complaint speaks for itself,
14 and no further explanation or commentary is appropriate or needed.

15 On September 7, 2011, this Court issued an Order relating the criminal proceeding with
16 this action, pursuant to its determination that this action and the criminal proceeding are related
17 within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

18 On September 23, 2011, the parties filed a joint status report requesting that the stay
19 initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket
20 # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

21 On November 23, 2011, the parties filed an additional joint status report requesting that
22 the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties
23 request on November 29, 2011. (Docket # 48.)

24 The parties understand that the United States shortly plans to file a superseding
25 indictment alleging misappropriation of DuPont's trade secrets. The parties to the criminal
26 proceedings agree that this civil action should be stayed for an additional 60 days.

27 ¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to
28 Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in
this action are Walter Liew and his company, USA Performance Technology Inc.

1 The undersigned counsel agree that the stay remain in place for an additional 60 days, at
2 which time the parties can update the Court.

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4 Dated: January 24, 2012

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17 By /s/ Morgan K. Lopez
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19 Dated: January 24, 2012

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 Technology, Inc., and Walter Liew

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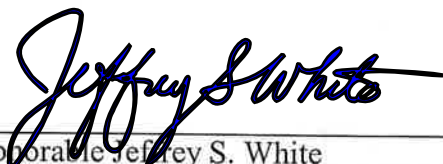
~~PROPOSED~~ ORDER

Having read and considered the Joint Status Report,

IT IS ORDERED THAT:

The parties' request that the stay be extended until April 2, 2012 is hereby GRANTED.
Counsel shall submit a joint status report on or before March 26, 2012.

January 31, 2012



Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE