

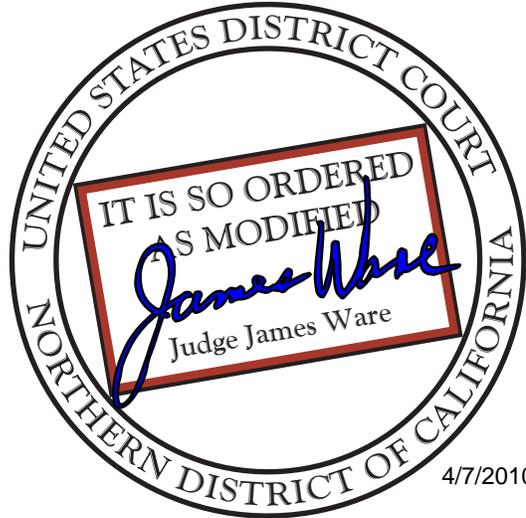
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4/7/2010

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

14 UNITED STATES OF AMERICA, )  
15 Plaintiff, )  
16 v. )  
17 1. APPROXIMATELY \$133,021.17 IN )  
18 FUNDS SEIZED FROM FOUR )  
19 ACCOUNTS HELD IN THE NAME OF )  
20 PONG LIN LIU; )  
21 2. 2002 TOYOTA 4-RUNNER, VIN )  
22 JT3HN86R520373938, CALIFORNIA )  
23 LICENSE NUMBER 7D09084; )  
24 3. \$6,586 IN UNITED STATES )  
25 CURRENCY; AND )  
26 4. ONE LORCIN, MODEL L380, .380 )  
27 CALIBER SEMI-AUTOMATIC PISTOL, )  
28 Defendants. )

No. C 06-03278 JW

REQUEST TO CONTINUE PRELIMINARY  
PRETRIAL CONFERENCE AND  
STATEMENT

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1 In October 2008, Pong Lin Liu was convicted of drug trafficking. Shortly thereafter, the  
2 United States obtained a default judgment against the defendant property, but it was set aside in  
3 June 2009, based on his attorney's assertion of "gross negligence."

4 On September 18, 2009, the United States re-served the Lius with interrogatories and  
5 requests for production, discovery which had been originally served in 2006, and to which no  
6 response was received. When the re-served discovery was ignored, the United States filed a  
7 motion to compel a response to its outstanding discovery. The United States also served the Lius  
8 with requests for admissions, which also went unanswered. All discovery was served on the  
9 Lius' attorney, the Lius themselves, and Pong Lin Liu's appellate attorney, Maitreya Badami.

10 On December 22, 2009, the Court granted the motion to compel and ordered that "Pong  
11 Lin Liu and Lillian Liu shall provide complete responses by January 8, 2010." The Lins have not  
12 complied with the Court's Order, and no discovery responses have been received.

13 On January 11, 2010, the United States filed a motion for sanctions for failure to comply  
14 with the Court's Order. The Lius did not file an opposition, and the hearing is currently set for  
15 May 10, 2010. On February 19, 2010, the United States filed a motion for summary judgment.  
16 The Lius did not file an opposition, and the hearing is also currently set for May 10, 2010.

17 On March 31, 2010, Kurt Robinson, the Lin's attorney, filed a document entitled  
18 "Conflict of Interest." No explanation was given for that conflict.

19 Because the Lins have refused to participate in discovery, despite the Court's explicit  
20 Order to do so, the United States is unable to provide a meaningful preliminary pretrial  
21 statement. Moreover, because the United States currently has two unopposed dispositive  
22 motions on file, judicial economy would best be served by re-setting the pretrial conference until  
23 after the dispositive motions have been heard.

24  
25 DATED: April 2, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

26  
27 /S/

28 DAVID B. COUNTRYMAN  
Assistant United States Attorney

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**IT IS SO ORDERED**

For good cause shown, the Court VACATES the April 12, 2010 Preliminary Pretrial Conference. The Court will set a new conference date, if necessary, in its Order addressing Defendant's Motion for Summary Judgment.

Dated: April 7, 2010

  
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HONORABLE JAMES WARE  
United States District Judge