

FILED

JUL 15 2010

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 AU OPTRONICS CORPORATION, et al.,)
15 Defendants.)

No. CR 09-0110 SI (MJ)

~~[PROPOSED]~~ ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

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18 On July 13, 2010, counsel for defendants AU Optronics Corporation ("AUO"), AU
19 Optronics Corporation America ("AUOA"), and Hui Hsiung and counsel for the Government
20 appeared before Judge Maria-Elena James on defendants' initial appearance, arraignment, and
21 detention hearing. The Court scheduled a further detention hearing for Hui Hsiung to be held on
22 July 26, 2010 at 2:00 p.m. before Judge Maria-Elena James. The Court also scheduled an initial
23 appearance and status hearing before Judge Susan Illston for AUO, AUOA, and Hui Hsiung on
24 July 16, 2010 at 11:00 a.m. Counsel for AUO, AUOA, Hui Hsiung and the Government
25 requested an exclusion of time under the Speedy Trial Act, from July 13, 2010 to July 16, 2010.
26 The Court ordered the exclusion of time under the Speedy Trial Act from July 13, 2010 to July
27 16, 2010 based on the following reason: AUO, AUOA, Hui Hsiung, and the Government moved
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ORDER EXCLUDING TIME
UNDER SPEEDY TRIAL ACT

1 for an exclusion of time because of the complexity of the case, due to the number of defendants,
2 the nature of the prosecution, and the existence of novel questions of fact and law such that it is
3 "unreasonable to expect adequate preparation for pretrial proceedings" within the time limits
4 established by the Speedy Trial Act. See 18 U.S. C. § 3161(h)(8)(A) and (B)(ii) and B(iv).


5 The Court finds that the failure to grant the requested continuance would unreasonably
6 deny counsel for AUO, AUOA, and Hui Hsiung reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that
8 the ends of justice would be served by excluding the proposed time period under the Speedy Trial
9 Act. These ends outweigh the best interests of the public and the defendants in a speedy trial.
10 See 18 U.S.C. § 3161(h)(8)(A).

11 For the reasons stated, the Court finds that the time period from July 13, 2010 to July 16,
12 2010 should be excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. §
13 3161(h)(8)(A).

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15 IT IS SO ORDERED:

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17 Dated: _____

17 7/15/10

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19 _____
20 United States Magistrate Judge

21 **MARIA-ELENA JAMES**

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that I filed this document electronically on July 14, 2010, through the Electronic Case Filing portal of the U.S. District Court, Northern District of California. Under N.D. Cal. Local Rule General Order 45, all counsel appearing in this matter will receive an electronic copy of this filing.

Dated: July 14, 2010

/s/

Niall E. Lynch

ORDER EXCLUDING TIME
UNDER SPEEDY TRIAL ACT