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15 Attorneys for Defendants AU OPTRONICS CORPORATION  
16 and AU OPTRONICS CORPORATION AMERICA

17 UNITED STATES DISTRICT COURT  
18  
19 NORTHERN DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA, ) Case No. CR-09-0110 (SI)  
21 )  
22 Plaintiff, ) **MOTION OF DEFENDANTS AU**  
23 v. ) **OPTRONICS CORPORATION AND**  
24 ) **AU OPTRONICS CORPORATION**  
25 AU OPTRONICS CORPORATION, et al., ) **AMERICA TO SPECIALLY SET**  
26 ) **SENTENCING HEARINGS**  
27 Defendants. )  
28 )  
29 )  
30 ) Dept.: Before the Hon. Susan Illston

31 Defendants AU OPTRONICS CORPORATION and AU OPTRONICS CORPORATION  
32 AMERICA hereby move this Court for an order specially setting the sentencing hearing in this  
33 matter, which is presently scheduled for Friday, September 14<sup>th</sup> at 11 a.m.

34 AUO and AUOA have consulted with counsel for the individual defendants, H.B. CHEN  
35 and Hui Hsiung, who have stated their intention to join in this motion. Defendants request that  
36 the matter be specially set during the week of September 24<sup>th</sup>, preferably on Thursday,  
37 September 27<sup>th</sup>. Defendants also propose that the parties' sentencing memoranda be due on  
38 Friday, September 14<sup>th</sup>, with replies due on Thursday, September 20<sup>th</sup>.

1 A date for sentencing was first discussed at the hearing on the defendants' post trial motion  
2 in late June. At that time, the defendants proposed that no date be set until those motions were  
3 decided by the Court, at which point a status conference could be held to determine an  
4 appropriate date for further proceedings. The Court stated it would be preferable to enter a  
5 sentencing date, if only as a place-holder, and did so for September 14<sup>th</sup>, but at that time it was  
6 not possible to determine whether that date would provide the Court with adequate time to  
7 handle four separate sentences in this complicated prosecution.

8 Counsel have consulted the Court's 11 a.m. calendar for September 14<sup>th</sup>. The Court has a  
9 total of sixteen cases on its calendar at that time. In addition to the four AUO-related  
10 sentencings, it has twelve other matters, including other sentencings and the taking of  
11 dispositional pleas. Suffice it to say that the AUO sentencings involve highly complex issues of  
12 law and fact, a number of which are matters of first impression that will require substantial oral  
13 argument. The outcome of these sentencings is of paramount importance to all parties concerned.  
14 The AUO defendants respectfully submit that the Court will be unable to devote to these cases  
15 the time and attention they merit on a day when it has a dozen other matters on its criminal  
16 calendar.

17 For that reason, the defendants request that this matter be specially set during the week of  
18 September 24<sup>th</sup>. A special setting that week would allow the parties two weeks until September  
19 14<sup>th</sup> to address in their sentencing memoranda their Final Presentence Investigation Reports,  
20 which will not be distributed by the Probation Office to the parties until today. The sentencing  
21 memoranda of the government and the defendants alike will turn on empirical evidence of a  
22 highly technical nature dealing with issues beyond those addressed at trial. Replies to the  
23 opposing memoranda could then be filed on Thursday, September 20<sup>th</sup>. A hearing date of  
24 September 27<sup>th</sup> would permit the Court a week to consider the briefing by the parties. Counsel  
25 have checked the Court's calendar for September 27<sup>th</sup>; no other matters are listed for that date.

26 The government has informed defense counsel that it opposes this motion for a  
27 continuance.  
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1 DATED: August 31, 2012

Riordan & Horgan

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Sedgwick, Detert, Moran & Arnold LLP

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By: /s/ Dennis P. Riordan  
Dennis P. Riordan

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Attorneys for Defendants  
AU OPTRONICS CORPORATION and  
AU OPTRONICS CORPORATION AMERICA

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