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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA) No. CR-09-0110 SI
)
 v.) UNITED STATES' OPPOSITION TO
) MOTION OF DEFENDANTS AU
 AU OPTRONICS CORPORATION;) OPTRONICS CORPORATION AND
 AU OPTRONICS CORPORATION AMERICA;) AU OPTRONICS CORPORATION
 HSUAN BIN CHEN, aka H.B. CHEN;) AMERICA TO SPECIALLY SET
 HUI HSIUNG, aka KUMA;) SENTENCING HEARING
 LAI-JUH CHEN, aka L.J. CHEN;)
 SHIU LUNG LEUNG, aka CHAO-LUNG)
 LIANG and STEVEN LEUNG;)
 BORLONG BAI, aka RICHARD BAI;)
 TSANNRONG LEE, aka TSAN-JUNG LEE and)
 HUBERT LEE;)
 CHENG YUAN LIN, aka C.Y. LIN;)
 WEN JUN CHENG, aka TONY CHENG; and)
 DUK MO KOO,)
)
 Defendants.)

1 The United States opposes defendants' motion to delay their sentencing and requests that
2 sentencing of all defendants proceed, as scheduled, on September 14, 2012 because (a)
3 defendants were convicted almost six months ago, (b) the parties received comprehensive draft
4 presentence reports in early August, (c) the parties lodged objections to the draft reports, (d) the
5 objections lodged by defendants are comprehensive, contain lengthy expert declarations, and are
6 essentially draft sentencing memoranda, (e) the final presentence reports were sent to the parties
7 today, (f) the parties exchanged draft expert declarations and economic data related to sentencing
8 issues over five weeks before the sentencing date, and (g) the parties have ample time to provide
9 the Court with comprehensive sentencing memoranda by next Friday, thereby allowing the Court
10 to sentence defendants on September 14 without the need for extensive, additional argument.

11 Contrary to defendants' recitation of the facts, the September 14 sentencing date was
12 never set by the Court as a mere "place-holder." (Dkt. 933 at 2.) After Rule 29 arguments were
13 completed on May 25, the government asked the Court to set a sentencing date in recognition of
14 the fact that at least six months would elapse between the date of the jury's verdict and
15 sentencing. (Tr. at 37:2-17.) Defendants objected to setting a sentencing date on the ground that
16 an order granting some or all Rule 29 motions would obviate the need for a sentencing. (Tr. at
17 37:20-22.) The Court rejected defendants' attempt to evade a sentencing date and scheduled
18 sentencing for September 14 with the caveat that it would be necessary to revisit or vacate the
19 sentencing if some or all Rule 29 motions were granted: "I'll set September 14th now. And then,
20 if in light of the [Rule 29] ruling we need to change that, you can meet and confer, and we'll do
21 it. But we will at least have a date to aim for." (Tr. at 38:13-17.) The Rule 29 motions were
22 denied in their entirety.

23 Defendants also indicated at that hearing that it was possible they would want a status
24 conference for the purpose of setting dates for the exchange of economic data in advance of
25 sentencing, thereby impacting the sentencing date. (Tr. at 38:2-9.) Defendants never did request
26 such a status conference because it was unnecessary; the parties met and conferred, agreed, and
27 did exchange expert declarations over five weeks before the September 14 sentencing date.
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