

1 JACKLIN CHOU LEM (CASBN 255293)
2 HOWARD J. PARKER (WASBN 07233)
3 PARADI JAVANDEL (CASBN 295841)
4 U.S. Department of Justice, Antitrust Division
5 450 Golden Gate Avenue
6 Box 36046, Room 10-0101
7 San Francisco, CA 94102
8 Telephone: (415) 934-5300
9 jacklin.lem@usdoj.gov

10 Attorneys for the United States

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA

15 v.

16 MATSUO ELECTRIC COMPANY
17 LIMITED,

18 Defendant.

No. 4:17-CR-00073-JD

**UNITED STATES' SUPPLEMENTAL
SENTENCING MEMORANDUM**

DATE: October 25, 2017

TIME: 10:30 am

JUDGE: Hon. James Donato

19 Matsuo Electric Company Limited (“Matsuo”) appeared before this Court on May 24,
20 2017, for a change of plea and expedited sentencing hearing. The Court had before it the United
21 States’ sentencing memorandum (Dkt. 12) and Matsuo’s waiver of a presentence report (Dkt.
22 13). At the hearing, the Court declined to accept Matsuo’s plea or impose the parties’ Rule
23 11(c)(1)(C) recommended sentence. Under the C-deal plea agreement, the parties jointly
24 recommended that Matsuo’s \$4.17 million fine be paid in six installments over five years. The
25 Court noted, however, that it did not have enough information about the proposed payment plan
26 to make a determination under 18 U.S.C. § 3572, but it was “not ruling out the possibility that
27 the proposed payment plan is the right outcome.” The Court asked Matsuo to submit further
28 information and reminded Matsuo that it had the burden of persuading the Court to impose the

1 installment payments. The Court also asked the government to review and comment on
2 Matsuo's further submission.

3 Matsuo is now scheduled to resume its hearing on change of plea and sentencing before
4 this Court on October 25, 2017. The parties again ask the Court to accept the parties' Rule
5 11(c)(1)(C) plea agreement. This request is based on the previously-submitted filings (Dkt.
6 Nos. 12 and 13), a further submission from Matsuo on its financial situation, and a declaration
7 of government financial analyst John Griffin. Mr. Griffin has reviewed Matsuo's further
8 financial submission. He concludes that installment payments, rather than immediate payment
9 in full, are in the interests of justice given Matsuo's financial condition. Mr. Griffin also
10 comments on the submissions on behalf of Matsuo, as requested by the Court.

11
12
13
14 DATED: October 18, 2017

Respectfully submitted,

15
16 /s/ Paradi Javandel
17 PARADI JAVANDEL
18 Trial Attorney
19 U.S. Department of Justice
20 Antitrust Division
21
22
23
24
25
26
27
28