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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,) Case No. CR-09-0110 (SI)
19)
20 Plaintiff,) **MOTION FOR LEAVE TO FILE**
21) **POST-TRIAL MOTIONS**
22 v.)
23)
24 AU OPTRONICS CORPORATION, et al.,)
25)
26 Defendants.)
27)
28)

29 The five remaining defendants in this prosecution — AUO, AUOA, H. B. Chen, Hui
30 Hsiung, and Stephen Leung — hereby move for leave to file their post-trial motions under
31 Federal Rules of Criminal Procedure 29 and 33. For the reasons stated below, the defendants do
32 not believe that their motions, comprising a total of 95 pages, exceed the limits imposed by the
33 Local Rules, but they have filed this motion for leave to file out of an excess of caution.

34 The defendants have filed two pleadings. The first is a joint filing on behalf of AUO,

1 AUOA, H.B. Chen, and Stephen Leung. Rather than file individual briefs, these four have
2 consolidated their claims in a joint pleading of 95 pages, far fewer than they could have
3 collectively filed had they submitted separate briefs.
4

5 The second filing is submitted on behalf of Dr. Hsiung who has retained new counsel,
6 Hogan Lovells US LLP, to represent him in the post-trial proceedings. Because Dr. Hsiung's
7 new counsel did not participate in the trial, they have not previously had an opportunity to brief
8 the complicated issues presented by this case, including the application of the Sherman Act to
9 foreign conduct and the adequacy of the proof presented during the lengthy trial. Those issues
10 deserve close attention, and the Court's consideration will be aided by careful and thorough
11 briefing. To that end, and for the Court's convenience, Dr. Hsiung seeks to consolidate his
12 motions for relief under Federal Rules of Criminal Procedure 29 and 33 into one filing of 37
13 pages, which is below the combined total of 50 pages authorized under this Court's rules for the
14 two separate motions.
15

16
17 The defendants have asked the government on two occasions if they have a position on
18 this matter, noting in their request that they agree that the government would be entitled to file
19 an opposition of equal length to their pleadings. At the time of the filing of this motion, the
20 government has not yet responded.
21

22 Dated: April 20, 2012

Respectfully submitted,

23 RIORDAN & HORGAN

24
25 /s/ Dennis P. Riordan

DENNIS P. RIORDAN

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27 CORPORATION and AU OPTRONICS
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