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CHRISTOPHER LISCHEWSKI

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

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 CHRISTOPHER LISCHEWSKI,
17 Defendant.

Case No. 3:18-cr-00203-EMC

**DEFENDANT CHRISTOPHER
LISCHEWSKI'S NOTICE OF MOTION
AND RENEWED MOTION FOR
JUDGMENT OF ACQUITTAL UNDER
FEDERAL RULE OF CRIMINAL
PROCEDURE 29**

Date: March 18, 2020
Time: 2:30 p.m.
Dept. Courtroom 5 - 17th Floor
Judge: Hon. Edward M. Chen

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD IN THIS ACTION:

PLEASE TAKE NOTICE that on March 18, 2020, at 2:30 p.m. or as soon thereafter as counsel may be heard in Courtroom 5, 17th Floor of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, Defendant Christopher Lischewski will and hereby does move for judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29(c) because the evidence presented at trial is insufficient to sustain a conviction on the charge against him.

This motion is based upon the instant notice, the following Memorandum of Points and Authorities, the arguments and bases explained in Mr. Lischewski’s prior motions for judgment of acquittal, the evidence at trial, oral argument, and the pleadings and exhibits on file with the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Christopher Lischewski previously moved for judgment of acquittal at the conclusion of the government’s case-in-chief, *see* Trial Tr. at 2456:13-2470:8 & ECF No. 603, and renewed his motion for judgment of acquittal after the close of all evidence, *see* Trial Tr. at 3157:8-3157:12. The Court reserved judgment on Mr. Lischewski’s motion. *See* Trial Tr. at 3157:13-3157:14. On December 3, 2019, the jury returned a guilty verdict. Mr. Lischewski now respectfully renews his motion for judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29(c). As explained in Mr. Lischewski’s prior motions, the government’s proof at trial was insufficient to sustain a conviction against Mr. Lischewski for participating in the charged conspiracy to fix prices of canned tuna from November 2010 through December 2013. The Court, therefore, should acquit Mr. Lischewski of the charge against him under Rule 29.

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Dated: January 13, 2020

Respectfully submitted,
KEKER, VAN NEST & PETERS LLP

By: /s/ Elliot P. Peters
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NICHOLAS S. GOLDBERG

Attorneys for Defendant
CHRISTOPHER LISCHEWSKI