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1 Defendants Kevin Chao and Richard Sze, by and through their respective counsel, and  
 2 the United States, by and through Assistant United States Attorneys William Frentzen and Lloyd  
 3 Farnham, hereby stipulate and agree as follows:

4 The above-titled matters are currently scheduled for a status conference regarding  
 5 preliminary hearing on December 14, 2021. Defendants and the government stipulate that the  
 6 parties need additional time to meet and confer and to review materials relevant to this case. The  
 7 parties therefore agree and jointly request that the December 14, 2021 hearing be continued to  
 8 January 12, 2022 at 1:00 p.m.

9 The parties stipulate and agree that excluding time from December 14, 2021 through and  
 10 including January 12, 2022 will allow for the effective preparation of counsel and is appropriate  
 11 based on the complexity of the case and the amount of time necessary to return and file an  
 12 indictment under the circumstances within the time specified by 18 U.S.C. § 3161(b). *See* 18  
 13 U.S.C. §§ 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii), 3161(h)(7)(B)(iv); *see also United States v. Pete*,  
 14 525 F.3d 844, 852-53 (9th Cir. 2008) (“the STA makes no distinction regarding the applicability  
 15 of the exclusions under § 3161(h)(1) to the pre-indictment period (governed by § 3161(b)) and  
 16 the pretrial period (governed by §§ 3161(c) and (e))”); *United States v. Murray*, 771 F.2d 1324,  
 17 1328 (9th Cir. 1985) (“In cases of relative complexity, with multiple defendants and ongoing  
 18 investigations such as here, it may be quite unreasonable to expect the preparation and return of  
 19 an indictment within thirty days... In the case at bar, efficiency and economy were definitely  
 20 served by the sixty day extension.”).

21 The parties further stipulate and agree that the ends of justice served by excluding the  
 22 time from December 14, 2021 through and including January 12, 2022 from computation under  
 23 the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy  
 24 trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(ii)-(iv).

25 Defendants continue to waive the time for a preliminary hearing on the Complaints in  
 26 their respective cases under Rule 5.1 of the Federal Rules of Criminal Procedure until the  
 27 requested status conference on January 12, 2022.

1 IT IS SO STIPULATED.  
2  
3

4 Dated: December 13, 2021

Respectfully submitted,

5 STEPHANIE M. HINDS  
6 Acting United States Attorney

7 /s/ Lloyd Farnham  
8 WILLIAM FRENTZEN  
9 LLOYD FARNHAM  
Assistant United States Attorneys

10 Dated: December 13, 2021

11 /s/ Edward Swanson  
12 EDWARD SWANSON  
13 CARLY BITTMAN  
14 SWANSON & McNAMARA LLP  
15 Counsel for Kevin Chao

16 Dated: December 13, 2021

17 /s/ Frank Ubhaus  
18 FRANK UBHAUS  
19 CHRISTIAN E. PICONE  
20 BERLINER COHEN LLP  
21 Counsel for Richard Sze

## **ORDER (AS MODIFIED)**

For the reasons stated above, the status hearing regarding preliminary examination currently set for December 14, 2021 is continued to January 12, 2022 at **2:00 p.m.**

Based upon the facts and representations set forth in the stipulation of the parties, and for good cause shown, the Court further finds that failing to exclude the time from December 14, 2021 through and including January 12, 2022, would unreasonably deny defense counsel and the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court also finds that excluding the time from December 14, 2021 through and including January 12, 2022, is appropriate in light of the volume of discovery and the complexity of the case, and the amount of time necessary to return and file an indictment under the circumstances within the time specified by 18 U.S.C. § 3161(b). *See* 18 U.S.C. §§ 3161(h)(7)(B)(ii), 3161(h)(7)(B)(iii).

The Court further finds that the ends of justice served by excluding the time from December 14, 2021, through and including January 12, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial.

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from December 14, 2021, through and including January 12, 2022, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A), (B)(ii)-(iv). The Court also orders that the time for a preliminary hearing be extended under Rule 5.1 of the Federal Rules of Criminal Procedure.

Dated: December 13, 2021

