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6 Attorneys for Cross-Defendants United States  
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7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10	GEORGE ANDERSON,	)	1:06-cv-01053-AWI-DLB
11		)	
	Plaintiff,	)	<b>EX PARTE REQUEST TO EXTEND</b>
12		)	<b>CROSS-DEFENDANTS' TIME TO</b>
	v.	)	<b>RESPOND TO CROSS-COMPLAINT AND</b>
		)	<b>SUPPORTING DECLARATION;</b>
13	DOUGLAS E. McKEE and RICK	)	<b>ORDER THEREON</b>
14	BRAGG,	)	
		)	
15	Defendants.	)	
		)	
16	RICK BRAGG, DOUGLAS E. McKEE	)	
	and MARGIE H. McKEE,	)	
17		)	
	Cross-Complainants,	)	
18		)	
	v.	)	
19	GEORGE ANDERSON and J. ELAINE	)	
20	ANDERSON, individually and	)	
	doing business as VALLEY WOOD	)	
21	PRODUCTS, COUNTY OF TULARE	)	
	HEALTH & HUMAN SERVICES,	)	
22	COUNTY OF TULARE TAX	)	
	COLLECTOR, UNITED STATES OF	)	
23	AMERICA, DEPARTMENT OF	)	
	INTERNAL REVENUE, STATE OF	)	
24	CALIFORNIA EMPLOYMENT	)	
	DEVELOPMENT DEPARTMENT, KINGS	)	
25	CREDIT SERVICES, ACCLAIM	)	
	CREDIT TECHNOLOGIES, BRUCE	)	
26	EVANS PROPERTY MANAGEMENT,	)	

1 INC., dba EVANS PROPERTY )  
MANAGEMENT, LIVICK TRUCK & BUS )  
2 REPAIR, NCCS, INC., dba NORTH )  
COAST COLLECTION SERVICE, )  
3 PROVIDIAN NATIONAL BANK, )  
TUCOEMAS FEDERAL CREDIT UNION, )  
4 and all persons unknown, )  
claiming any legal or )  
5 equitable right, title, )  
estate, lien, or interest in )  
6 the property described in the )  
complaint adverse to )  
7 plaintiff's title, or any )  
cloud on cross-complainants' )  
8 title thereto, and DOES 1 )  
through 1,000, inclusive, )  
9 Cross-Defendants. )  
\_\_\_\_\_ )

10 Cross-Defendants United States of America and Internal  
11 Revenue Service ("Cross-Defendants") request a 30-day extension  
12 of time to respond to the cross-complaint, filed by Cross-  
13 Complainants Rick Bragg, Douglas E. McKee and Margie H. McKee  
14 ("Cross-Complainants") in the Superior Court of California,  
15 County of Tulare, on February 24, 2006 and removed to this Court  
16 on August 9, 2006 (Doc. 1), based on the attached declaration of  
17 Cross-Defendants' counsel. Since Cross-Defendants' response is  
18 currently due August 16, 2006, Cross-Defendants request an  
19 extension to September 15, 2006.<sup>1</sup>  
20  
21  
22

23 <sup>1</sup> Nothing in this request is intended to constitute a waiver  
24 of any defense that may be asserted by Cross-Defendants. Cross-  
25 Defendants specifically reserve all of their defenses and  
26 objections in this action, including without limitation their  
27 defenses and objections under Rules 4, 8 and 12 of the Federal  
Rules of Civil Procedure and under all other applicable laws and  
procedural rules.

1 Respectfully submitted,

2 Dated: August 14, 2006.

McGREGOR W. SCOTT  
United States Attorney

3  
4 By: /s/Kimberly A. Gaab  
5 KIMBERLY A. GAAB  
6 Assistant U.S. Attorney  
7 Attorneys for Cross-Defendants  
8 United States of America and  
9 Internal Revenue Service

10  
11 DECLARATION OF KIMBERLY A. GAAB

12 I, Kimberly A. Gaab, pursuant to 28 U.S.C. § 1746, declare:

13 1. I am an Assistant United States Attorney for the  
14 Eastern District of California and an attorney of record for  
15 Cross-Defendants United States of America and Internal Revenue  
16 Service. I have personal knowledge of the matters set forth  
17 herein, and if called upon to testify, could and would  
18 competently testify thereto.

19 2. On July 10, 2006, the United States Attorney's Office  
20 was served with the cross-complaint, originally filed in Tulare  
21 County Superior Court. Cross-Defendants removed the action to  
22 this Court on August 9, 2006. Accordingly, Cross-Defendants'  
23 response to the cross-complaint is now due August 16, 2006.

24 3. I telephoned Cross-Complaints' counsel Steven Williams  
25 on August 10, 2006, and left a message requesting a 30-day  
26 extension for Cross-Defendants to respond to the cross-complaint.  
27 Given the deadline to respond to the cross-complaint, I also  
requested Mr. Williams to contact me prior to August 14, 2006 if

1 he would agree to the request. Mr. Williams has failed to  
2 contact me or otherwise agree to the request.

3 4. An additional 30 days is need to respond to the cross-  
4 complaint to provide me and the Internal Revenue Services' Office  
5 of Chief Counsel time to review the cross-complaint and  
6 coordinate a response. Additionally, between now and the  
7 August 16, 2006 deadline, I have several other matters to attend  
8 to, including a reply to a motion to dismiss being heard on an  
9 expedited schedule.

10 5. In light of the foregoing, it is respectfully requested  
11 that the Court extend Cross-Defendants' time to respond to the  
12 cross-complaint by 30 days to September 15, 2006.

13 I declare under penalty of perjury that the foregoing is  
14 true and correct. Executed on August 14, 2006.

15 /s/ Kimberly A. Gaab  
16 KIMBERLY A. GAAB

17  
18 ORDER

19 IT IS SO ORDERED that Cross-Defendants' time to respond to  
20 the cross-complaint is extended to September 15, 2006.

21 IT IS SO ORDERED.

22 **Dated: August 17, 2006**  
3b142a

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE