

1 LAWRENCE G. BROWN
 Acting United States Attorney
 2 for the Eastern District of California
 501 I Street, Suite 10-100
 3 Sacramento, California 95814

4 JAMES E. WEAVER
 LAUREN M. CASTALDI
 Trial Attorneys, Tax Division
 5 United States Department of Justice
 6 P.O. Box 683, Ben Franklin Station
 Washington, DC 20044-0683
 7 Telephone: (202) 305-4929
 Facsimile: (202) 307-0054
 8 E-mail: James.E.Weaver@usdoj.gov

9 Attorneys for the Defendants

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

13 WILMA SHORE,

14 Plaintiff,

15 v.

16 KEVIN M. BROWN, ACTING COMMISSIONER
 17 OF INTERNAL REVENUE SERVICE OF
 UNITED STATES OF AMERICA, and DOES 1
 18 through 10, inclusive,

19 Defendants.

20 UNITED STATES OF AMERICA,

21 Counterclaimant,

22 v.

23 WILMA SHORE,

24 Counterclaim Defendant,

25 AND

26 GREGORY A. SHORE and

28 JOINT MOTION AND STIPULATION

)
) Civil No. 1:07-CV-01160-OWW-SMS
)
) **JOINT MOTION AND STIPULATION**
) **TO EXTEND CERTAIN DISCOVERY AND**
) **EXPERT DISCLOSURE DEADLINES**
) **(WITH ENDORSEMENT/PROPOSED ORDER**
) **FOR CONSIDERATION OF THE COURT)**

1)
2)
3 BRENDA O. REYNOLDS,)
4 Additional Defendants on Counterclaim.)
5 _____)

6
7 The undersigned attorneys for the Plaintiff and Counterclaim Defendant, Wilma Shore, and the
8 Defendant and Counterclaimant, the United States of America, (the only parties who have entered
9 appearances in this case) move for a brief extension of the discovery and expert deadlines set in this case by
10 the Supplemental Modified Scheduling Conference Order entered December 15, 2008. The parties are not
11 seeking to extend other deadlines or dates set in that order.

12 1. This is the parties' second request for an extension of the discovery and expert disclosure
13 deadlines. The first request was filed following the commencement of a Chapter 11 bankruptcy petition in
14 the United States Bankruptcy Court for the Eastern District of California on September 24, 2008 and the
15 subsequent modification of the automatic stay in that proceeding on December 10, 2008.

16 2. After the modification of the automatic stay and the entry of this Court's modified scheduling
17 order, the parties moved forward with additional discovery in this case.¹ To date, the parties have obtained
18 deposition testimony from approximately fourteen fact witnesses and/or parties. Depositions of three
19 additional fact witnesses are scheduled to occur today. In addition, document review in this case has entailed
20 inspection of a large volume of boxes and files.

21 3. Pursuant to the Court's modified scheduling order, fact discovery is to be completed by April
22 15, 2009. Expert disclosures are to be made on or before April 15, 2009 and the disclosure of rebuttal expert

23
24
25
26 _____
27 ¹The Plaintiff's Chapter 11 case, In re Shore, No. 08-16002-A-11F (Bankr. E.D. Cal.) was dismissed
28 on February 26, 2009.

1 witnesses are to be made on or before May 15, 2009. The deadline for all discovery is June 15, 2009.²

2 4. Despite good-faith efforts of the parties to complete discovery by these deadlines, the parties
3 need additional time to evaluate the evidence obtained to date during discovery and to follow up by obtaining
4 some additional discovery.

5 5. Accordingly, the parties stipulate to, and respectfully request that the Court grant, an extension
6 of the deadline for obtaining fact discovery from April 15, 2009 to May 22, 2009. The parties further
7 stipulate to, and respectfully request that the Court grant, an extension of the deadline for expert disclosures
8 from April 15, 2009 to May 6, 2009, and an extension of the deadline for the disclosure of rebuttal expert
9 witnesses from May 15, 2009 to June 8, 2009. The parties also stipulate to, and respectfully request that the
10 Court grant, an extension of the date for the close of all discovery, including experts, from June 15, 2009 to
11 June 29, 2009.

12 An endorsement, for the consideration of the Court, follows below.

13 Submitted on April 15, 2009

14
15 LAWRENCE G. BROWN
Acting United States Attorney

16
17 /s/ James E. Weaver
JAMES E. WEAVER
LAUREN M. CASTALDI
18 Trial Attorney, Tax Division
United States Department of Justice
19 P.O. Box 683, Ben Franklin Station
Washington, DC 20044-0683
20 Telephone: (202) 305-4929
Facsimile: (202) 307-0054

21 *Attorneys for the United States*

22
23
24
25 _____
26 ²Pursuant to the original scheduling order in this case entered March 28, 2008, the deadline for all
27 discovery was January 2, 2009. The deadline for disclosure of expert testimony was originally October 31,
28 2008 and the deadline for rebuttal expert disclosures was December 1, 2008.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAW OFFICE OF MYRON F. SMITH

By: /s/ Myron F. Smith [Mr. Smith authorized
filing with his electronic signature]
Myron F. Smith
191 West Shaw Ave., Suite 205B
Fresno, California 93704
Telephone: (559) 226-5400
Facsimile: (559) 226-5108

Attorney for Wilma V. Shore

IT IS SO ORDERED (as set forth, above, in numbered paragraph5):

IT IS SO ORDERED.

Dated: April 15, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE