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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
 9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
 11 Plaintiff,

12 v.

13 RAY CLINGENPEEL; SHIRLEY A.  
 CLINGENPEEL; TUFFY RUFFY TRUST by  
 14 DAVID K. JACOBS, TRUSTEE and/or by  
 ANITA MORRISON, TRUSTEE;  
 15 SUSAN BELL TRUST by DAVID K. JACOBS,  
 TRUSTEE; and/or by ANITA MORRISON,  
 16 TRUSTEE; ATEL CAPITAL GROUP;  
 STATE OF CALIFORNIA FRANCHISE TAX  
 17 BOARD; RESIDENTIAL CREDIT  
 SOLUTIONS; CITIBANK (South Dakota) NA;  
 18 TASHIMA FAMILY TRUST by MIKIYE  
 TASHIMA, TRUSTEE;  
 19 Defendants.

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Civil No. 1:09-CV-00797 OWW DLB

**ORDER MODIFYING SCHEDULE**

21 Plaintiff United States of America requests a continuance of the hearing on the United  
 22 States' motion for summary judgment, currently set for November 22, 2010, at 10:00 a.m. to a  
 23 new date of January 10, 2011, at 10:00 a.m. The United States further requests that the Court  
 24 vacate the remaining dates of the existing scheduling order in this case. The Clingenpeels,  
 25 taxpayers and defendants here, have submitted amended tax returns which may avoid the  
 26 need to adjudicate some issues in this case. Counsel for the United States believes that any  
 27 remaining issues will be resolved by the pending motions. Upon good cause shown,

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1 **IT IS ORDERED THAT**

2 1. The hearing on the United States' motion for summary judgment and motion for entry of  
3 default judgment (Doc. No. 27), presently set for November 22, 2010, at 10:00 a.m., is  
4 continued to January 10, 2011, at 10:00 a.m. in Courtroom 3.

5 2. The final pretrial conference date (November 29, 2010) and the trial date (January 4,  
6 2011) in the scheduling order (Doc. No. 22) are vacated. The Court will re-schedule the case if  
7 necessary after the pending dispositive motions are decided.

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9 **IT IS SO ORDERED**

10 Dated: November 12, 2010

/s/ OLIVER W. WANGER  
United States District Judge

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