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7
 8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	1:10-CV-01630-LJO-GSA
)	
11 Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE HEARING ON CLAIMANT
12 v.)	ACCREDITED SURETY AND CASUALTY
)	COMPANY’S MOTION TO DISMISS
13 APPROXIMATELY \$256,533.57 IN U.S.)	
14 CURRENCY,)	
)	
15 Defendant.)	
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17 It is hereby stipulated between plaintiff United States of America and Claimant
 18 Accredited Surety and Casualty Company (hereafter “Accredited”), by and through their
 19 undersigned attorneys, as follows:

20 1. On January 6, 2011, Accredited filed a Motion to Dismiss Forfeiture Complaint. The
 21 motion is set for hearing on February 16, 2011, at 8:30 a.m. before Honorable Lawrence J.
 22 O’Neill.

23 2. The United States needs additional time to respond to the motion, because the
 24 undersigned Assistant U.S. Attorney had to substitute as counsel for the government only
 25 recently. This change of counsel was required by the death of the Assistant U.S. Attorney
 26 previously responsible for this case. In addition, the sole remaining forfeiture attorney in the
 27 United States Attorney’s Office has had to take an unanticipated and extended leave, from which

1 she has not yet returned, thus requiring that all forfeiture cases in this district be reassigned to
2 new Assistant U.S. Attorneys in addition to their normal caseloads. This combination of
3 circumstances has imposed unusual burdens on the undersigned and on all the other attorneys of
4 Civil Division of the United States Attorney's Office. As a result of these circumstances, the
5 United States is unable to file a response to the motion when due (currently, February 2, 2011)
6 that adequately represents the government's interests.

7 3. Accredited has agreed to postpone the hearing on its motion and to allow additional
8 time for the United States' response as requested herein.

9 Wherefore, the parties hereby stipulate to continue the hearing on Accredited's motion
10 until March 10, 2011, or as soon thereafter as the matter may be heard, and to continue the
11 deadline for the government's response to the motion until February 16, 2011.

12 Dated: January 28, 2011

BENJAMIN B. WAGNER
United States Attorney

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15 /s/ David T. Shelledy
DAVID T. SHELLIEDY
Assistant U.S. Attorney
Attorneys for the United States

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18 Dated: January 28, 2011

/s/ David A. Fike
DAVID A. FIKE
Attorney for Claimant
Accredited Surety and Casualty Company
(Original signature retained by attorney)

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21 **IT IS SO ORDERED.**

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23 Dated: January 31, 2011

/s/ Lawrence J. O'Neill
LAWRENCE J. O'NEILL
United States District Court Judge