

1 BENJAMIN B. WAGNER
United States Attorney
2 HEATHER MARDEL JONES
Assistant United States Attorney
3 United States Courthouse
2500 Tulare Street, Suite 4401
4 Fresno, California 93721
(559) 497-4000 Telephone
5 (559) 497-4099 Facsimile

6 Attorneys for the United States

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

10 UNITED STATES OF AMERICA,) 1:11-CV-01251-GSA
11 Plaintiff,)
12 v.) **STIPULATION AND STATUS REPORT**
13)
14 APPROXIMATELY \$77,000.00 IN)
U.S. CURRENCY,)
15 Defendant.)

16 Pursuant to the Court’s December 20, 2013 Order (“Order”), ECF No. 76, the United
17 States and Claimant Felix Velasco, by and through counsel, submit the following
18 Stipulation and Status Report.
19

- 20 1. Pursuant to the Court's Order (ECF No. 76 at p. 16), the parties have met and
21 conferred several times regarding the procedural posture of the instant action
22 and procedural steps needed to be taken, and have discussed, for example,
23 whether either party's claim is extinguished upon the death of Claimant Felix
24 Velasco, whether the Estate of Claimant is properly substituted in to the
25 instant action or properly should file a new claim/answer, and the respective
26

1 legal bases and ramifications thereof. These communications are ongoing.

2 2. As a result, the parties believe that additional time is necessary before the
3 parties are able to discuss discovery, or provide feasible trial dates and pre-
4 trial deadlines.

5 3. As such, the parties hereby stipulate and request that the court vacate the
6 currently set status conference on January 14, 2014; and re-set a status
7 conference for February 13, 2014, in Courtroom 10 at 10:30 a.m.

8 4. The parties also stipulate and agree that the time period from January 7,
9 2014, up to and including the date in which the status conference hearing is
10 re-set by the Court, is excepted from the 90-day time period in which to move
11 for substitution pursuant to Rule 25(a)(1).
12

13 5. The parties will provide the court a status report one week prior to the status
14 conference.
15

16 Dated: January 7, 2014

BENJAMIN B. WAGNER
United States Attorney

17
18 /s/ Heather Mardel Jones
HEATHER MARDEL JONES
Assistant United States Attorney

19
20 Dated: January 7, 2014

/s/ Edward Burch
EDWARD BURCH
Attorney for Claimant

21
22
23 ///

24 ///

25 ///

26 ///

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

ORDER

Based on the parties' stipulation set forth above, the status conference currently set for January 14, 2014 is continued to February 13, 2014, in Courtroom 10 at 10:30 a.m. The parties are required to file a joint status-report one week prior to the status conference.

IT IS SO ORDERED.

Dated: January 9, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE