

1 BENJAMIN B. WAGNER
 United States Attorney
 2 JEFFREY A. SPIVAK
 HEATHER MARDEL JONES
 3 Assistant United States Attorneys
 United States Courthouse
 4 2500 Tulare Street, Suite 4401
 Fresno, California 93721
 5 (559) 497-4000 Telephone
 (559) 497-4099 Facsimile
 6
 Attorneys for the United States
 7

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

11 UNITED STATES OF AMERICA,)	1:12-CV-01260-AWI-SMS
)	
12 Plaintiff,)	STIPULATION TO CONTINUE
)	FRCP RULE 16(b)
13 v.)	SCHEDULING ORDER
)	DISCOVERY DATES;
14 APPROXIMATELY \$158,000.00 IN U.S.)	ORDER THEREON
15 CURRENCY,)	
)	
16 Defendant.)	

17 IT IS HEREBY STIPULATED by and between the United States of America,
 18 claimants James Choe, Steve Yun Lee, and their counsel of record, as follows:

19 On April 23, 2013, the parties to this matter submitted their Joint Scheduling Report
 20 setting forth the various discovery, disclosure, and dispositive motion dates, as required
 21 pursuant to FRCP Rule 16(b);

22 The parties now jointly agree that to facilitate and complete full discovery and
 23 disclosure of said discovery, the discovery and disclosure dates currently set forth in the
 24 Joint Scheduling Report and the Court’s Scheduling Order issued pursuant thereto should
 25 be extended;

26 As the Court is aware, at the end of the day on September 30, 2013, the
 27 appropriations act that had been funding the Department of Justice expired and
 28 appropriations to the Department lapsed. The Department does not know when funding
 will be restored by Congress. Absent an appropriation, Department of Justice attorneys and

1 employees are prohibited from working, even on a voluntary basis, except in very limited
 2 circumstances, including “emergencies involving the safety of human life or the protection
 3 of property.” 31 U.S.C. § 1342. That exception is not deemed to include most civil cases.
 4 Indeed, the assigned Assistant U.S. Attorney, AUSA Jeffrey A. Spivak, is currently
 5 furloughed until appropriations to the Justice Department are restored. Should the lapse of
 6 appropriations continue, undersigned counsel for defendant United States of America will
 7 be forced to file a motion, on an expedited basis, requesting a continuance of the herein
 8 stipulated dates, and as a result, also of the presently scheduled trial. The United States
 9 has expressed its possible need to file such a motion to Claimants’ Counsel. Claimants’
 10 Counsel has indicated their intent to oppose such a motion;

11 However, the parties are able to currently stipulate and propose that the dates set
 12 forth in the parties’ Joint Scheduling Report and in the Court’s May 15, 2013 Scheduling
 13 Order (Doc. 29) should be changed to the following dates:

14	Discovery Event	Current Date/Deadline	Proposed New Date
15	Non-Expert Discovery Cutoff	October 18, 2013	December 13, 2013
16	Expert Disclosure	November 8, 2013	December 27, 2013
17	Supplemental Expert	November 29, 2013	January 10, 2014
18	Expert Discovery Cutoff	January 10, 2014	February 7, 2014
19	Non-Dispositive Motion Filing	November 29, 2013	January 3, 2014
20	Dispositive Motion Filing	February 14, 2014	February 21, 2014
21	Pre-Trial Conference Date	May 9, 2014	No change
22	Court Trial Date	June 17, 2014	No change

23
 24 DATED: October 16, 2013

Respectfully submitted,
 BENJAMIN B. WAGNER
 United States Attorney

25
 26 /s/ Heather Mardel Jones for
 JEFFREY A. SPIVAK
 Assistant United States Attorney

27
 28 ///

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

DATED: October 16, 2013

/s/ Mark A. Broughton
MARK A. BROUGHTON
CHRISTINA A. WIDNER
Attorneys for Claimants James Choe and
Steve Yun Lee
(Original signature retained by attorney)

IT IS SO ORDERED

All dates currently set forth in the Court's May 15, 2013 Scheduling Order (Doc. 29) shall be rescheduled to those dates stipulated to by the parties, as set forth hereinabove.

DATED: 10/16/2013

/s/ SANDRA M. SNYDER
UNITED STATES MAGISTRATE JUDGE