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7 Attorneys for United States of America

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

10 F & H CONSTRUCTION,
11
12 Plaintiff,

13 v.

14 THE UNITED STATES OF AMERICA,
erroneously named as United States Department
15 of Treasury, Internal Revenue Service; BANK
OF STOCKTON; NORTHERN CALIFORNIA
16 GLAZIERS PENSION PLAN; and DOES 1-100,

17 Defendants.

Civil No. 2:07-CV-00835-WBS-DAD

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
REQUEST FOR CONTINUANCE**

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19 The parties to the above-entitled action jointly submit this Case Management Statement and
20 Proposed Order:

21 The parties participated in a conference call on May 9, 2007 to discuss the June 4, 2007 Case
22 Management Conference and the required disclosure dates set by the Court in this matter. During this
23 conference call, the following additional matters were discussed:

24 1. The fact that Engineered Glass Walls, Inc. is an indispensable party and must be named
25 and served in the action;

26 2. That the Northern California Glaziers Trust Funds were incorrectly named in the
27 Complaint, and that it is being amended. The Trust Funds have yet to be served.
28

1 3. The United States' response to the Complaint would not be due until after the set Case
2 Management Conference based on the date of service.

3 4. The parties also agreed that the Bank of Stockton and the United States would
4 exchange documents and legal authority in an effort to resolve this matter. The Bank of Stockton and the
5 Northern California Glaziers Trust Funds already have a settlement agreement in place, although it has
6 yet to be fully executed.

7 Based on the foregoing, the parties jointly request that the current Case Management Conference,
8 set for June 4, 2007 at 1:30 p.m. be continued for 45 days to allow the matter to become "at issue" and to
9 permit the parties to exchange information amongst themselves in an effort to move this matter forward.

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11 Respectfully submitted,

12
13 Dated: May 11, 2007

14 /s/ Justin S. Kim
JUSTIN S. KIM
U.S. Department of Justice, Tax Division
(202) 307-0977
Attorney for the United States

15
16 Dated: May 15, 2007

17 /s/ Christa Mansholt-Choy
CHRISTA MANSHOLT-CHOY
Law Offices of Ryan & Lifter, P.C.
(925) 884-2080
Attorney for F&H Construction

18
19 Dated: May 11, 2007

20 /s/ Dennis Hauser
DENNIS HAUSER
Hauser & Mouzes
(209) 368-1368
Attorney for the Bank of Stockton

21
22 Dated: May 18, 2007

23 /s/ Michele Stafford
MICHELE STAFFORD
Saltzman and Johnson Law Corporation
(415) 882-7900
Attorney for Northern California Glaziers Trust Funds

ORDER

Pursuant to the request of the parties, the Case Management Conference, currently scheduled for June 4, 2004 at 1:30 p.m. is hereby continued to **July 30, 2007 at 2:00 p.m.** All additional dates, including the dates for initial disclosures, are also continued for 45 days.

IT IS SO ORDERED.

Dated: May 21, 2007



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing has been made this 21st day of May, 2007, by depositing true and correct copies thereof in the United States mail, postage prepaid, addressed to:

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/s/ Justin S. Kim
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