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

11 UNITED STATES OF AMERICA,)	2:09-cv-1940 GEB/KJM
)	
12 Plaintiff,)	JOINT STATUS (PRETRIAL
)	SCHEDULING) REPORT AND
13 v.)	ORDER
)	
14 REAL PROPERTY LOCATED AT 1 MILE)	
UP HENNESSEY ROAD, BURNT RANCH,)	
15 CALIFORNIA, TRINITY COUNTY,)	
APN: 008-430-02, INCLUDING)	DATE: May 24, 2010
16 ALL APPURTENANCES AND)	TIME: 9:00 a.m.
IMPROVEMENTS THERETO,)	COURTROOM: 10
)	
17 Defendant.)	
)	

19
 20 The plaintiff United States of America and claimant Chase
 21 Home Finance LLC ("Chase") submit the following Joint Status
 22 (Pretrial Scheduling) Report.¹

23 **a. Service:**

24 The forfeiture complaint in rem was served on all
 25 individuals and entities believed to have an interest in the
 26

27
 28 ¹ On February 3, 2010, this Court granted plaintiff's motion to strike the claim and answer filed on behalf of the sole owner of the property, Thomas Pickle.

1 defendant property. Specifically, Thomas Pickle, James Pickle,
2 and Terry J. Williams were served. Thomas Pickle is the owner of
3 record of the defendant real property and was living in one of
4 two residences on the property. James Pickle was living in a
5 second residence. Terry J. Williams was a cosigner on the
6 promissory note Chase now holds. Washington Mutual Bank, a
7 lienholder, was also served. Claimant Chase is the successor in
8 interest to Washington Mutual Bank's interest in the defendant
9 property.

10 In addition, in accordance with the Order for Publication
11 signed on July 16, 2009, by U.S. Magistrate Judge Drozd, notice
12 of this action was published on the official internet government
13 website, www.forfeiture.gov, for 30 consecutive days. The
14 Declaration of Plaintiff was filed on September 21, 2009.

15 The Clerk entered defaults against James Pickle and Terry J.
16 Williams on January 15, 2010. The Clerk entered Thomas Pickle's
17 default on March 2, 2010, after the claim and answer filed on his
18 behalf were stricken.

19 **b. Possible joinder of additional parties:**

20 Plaintiff does not anticipate joining additional parties.

21 Chase is now a party to this action. Chase is the
22 beneficiary of a \$60,000 promissory note signed by Thomas Pickle
23 and Terry J. Williams on about December 12, 2003, and secured by
24 a deed of trust recorded against the defendant property.

25 **c. Any expected or desired amendment of pleadings:**

26 None anticipated at this time.

27 **d. Jurisdiction and venue:**

28 This Court has jurisdiction in this matter pursuant to 28

1 U.S.C. §§ 1345 and 1355. This Court has venue pursuant to 28
2 U.S.C. § 1395.

3 **e. Anticipated motions and suggested dates:**

4 The plaintiff will be filing a motion for default judgment
5 against Thomas Pickle, James Pickle, and Terry J. Williams, and
6 seeking a Final Judgment of Forfeiture forfeiting all right,
7 title, and interest in the defendant property, subject to Chase's
8 recorded lien.

9 **f. Anticipated and outstanding discovery:**

- 10 (1) What changes should be made in the timing,
11 form, or requirement for disclosures under
12 Rule 26(a), including a statement as to when
disclosures under subdivision (a)(1) were
made or will be made:
- 13 (2) The subjects on which discovery may be
14 needed, when discovery should be completed,
15 and whether discovery should be conducted in
phases or be limited to or focused upon
particular issues:
- 16 (3) What changes should be made in the
17 limitations on discovery imposed under the
18 Federal Rules of Civil Procedure of the Local
Rules, and what other limitations should be
imposed:

19 As of the December 1, 2006, amendments to Rule 26 of the
20 Federal Rules of Civil Procedure, civil forfeiture actions are
21 now exempt from the initial disclosure requirements applicable to
22 most other civil actions. See Fed.R.Civ.P. 26(a)(1)(B)(ii).

23 No changes need to be made in the discovery limitations. The
24 only discovery plaintiff will seek from Chase is a copy of the
25 loan file for the Pickle/Williams loan. Rather than schedule
26 this case at this time, plaintiff suggests that the status
27 conference be continued 120 days to allow time for Chase to
28 produce the file, and for plaintiff to file a motion for default

1 judgment against Thomas Pickle, James Pickle, and Terry J.
2 Williams.

3 **g. Scheduling of future proceedings, including**
4 **suggested timing of the disclosure of expert**
5 **witnesses and information required by Rule**
6 **26(a)(2), completion dates for discovery and**
7 **law and motion, and dates for final pretrial**
8 **conference and trial:**

9 In light of the request to continue the status conference
10 120 days, plaintiff suggests that the case not be scheduled at
11 this time.

12 **i. Estimate of trial time:**

13 Plaintiff estimates that a trial of this matter would take
14 no more than 3 days.

15 **j. Appropriateness of special procedures:**

16 Not applicable.

17 **k. Modification of standard pretrial procedures**
18 **because of the relative simplicity or**
19 **complexity of the action or proceedings:**

20 Not applicable.

21 **l. Whether the case is related to any other**
22 **case, including any matters in bankruptcy:**

23 This case is related to U.S. v. 17 Coon Creek Road, 2:09-cv-
24 1937 GEB/KJM. A Notice of Related Cases was filed on July 17,
25 2009.

26 **m. Prospects for settlement:**

27 Assuming Chase's loan file demonstrates that Chase is an
28 innocent lienholder within the meaning of the federal forfeiture
statutes relating to innocent owners, plaintiff intends to pay
Chase's lien from the proceeds of the sale of the defendant
property after the United States obtains title.

1 n. Any other matters that may add to the just
2 and expeditious disposition of this matter:

3 None.

4 DATED: May 5, 2010

BENJAMIN B. WAGNER
United States Attorney

5
6 By: /s/ Kristin S. Door
KRISTIN S. DOOR
7 Assistant U.S. Attorney

8 DATED: May 5, 2010

ROUTH CRABTREE OLSEN, P.S.

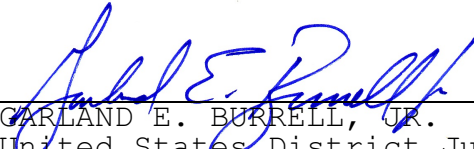
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10 By: /s/ Edward T. Weber
(As authorized on 5/5/10)
11 Edward T. Weber
Attorneys for Chase
12 Home Finance LLC

13 **ORDER**

14 For the reasons set forth above, the status conference now
15 scheduled for May 24, 2010, is continued to September 20, 2010,
16 at 9:00 a.m. A joint status report addressing the issues listed
17 in the Court's July 16, 2009, Order Setting Status (Pretrial
18 Scheduling) Conference shall be filed fourteen days prior to the
19 hearing.

20
21 IT IS SO ORDERED.

22 Dated: May 11, 2010

23
24 
25 _____
GARLAND E. BURRELL, JR.
United States District Judge