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 7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 UNITED STATES OF AMERICA

12 Plaintiff,

13 v.

14 REAL PROPERTY LOCATED AT 149
 G STREET, LINCOLN, CALIFORNIA,
 15 PLACER COUNTY, APN: 008-266-
 015-000, INCLUDING ALL
 16 APPURTENANCES AND
 IMPROVEMENTS THERETO;

17 REAL PROPERTY LOCATED AT 167
 G STREET, LINCOLN, CALIFORNIA,
 18 PLACER COUNTY, APN: 008-266-
 016-000, INCLUDING ALL
 19 APPURTENANCES AND
 20 IMPROVEMENTS THERETO;

21 REAL PROPERTY LOCATED AT
 1199 PACIFIC HIGHWAY, UNIT 406,
 SAN DIEGO, CALIFORNIA, APN:
 22 533-471-12-27, INCLUDING ALL
 APPURTENANCES AND
 23 IMPROVEMENTS THERETO;

24 REAL PROPERTY LOCATED AT
 10940 FAIR OAKS BOULEVARD,
 FAIR OAKS, CALIFORNIA,
 25 SACRAMENTO COUNTY, APN: 244-
 0344-013-0000, INCLUDING ALL
 26 APPURTENANCES AND
 27 IMPROVEMENTS THERETO;

28 REAL PROPERTY LOCATED AT
 2143 OUTRIGGER DRIVE. EL

CASE NO. 2:12-cv-00705-MCE-DAD

**STIPULATION AND REQUEST TO
 RESCHEDULE HEARINGS ON:
 (1) THE UNITED STATES' MOTION
 TO STAY FORFEITURE; AND
 (2) MECHANICS BANK'S MOTION
 FOR SUMMARY JUDGMENT**

Eastern District Local Rule 230(f)]

Currently Scheduled Hearings:

Date: January 24, 2013
 Time: 2:00 p.m.
 Place: 501 "I" Street
 Courtroom 7
 Sacramento, California

Judge: Hon. Morrison C. England, Jr.

JMBM
 Jeffer Mangels
 Butler & Mitchell LLP

1 DORADO HILLS, CALIFORNIA, EL
2 DORADO COUNTY, APN: 110-612-
3 05-100, INCLUDING ALL
4 APPURTENANCES AND
5 IMPROVEMENTS THERETO;
6 REAL PROPERTY LOCATED AT
7 8928 VOLUNTEER LANE,
8 SACRAMENTO, CALIFORNIA,
9 SACRAMENTO COUNTY, APN: 078-
10 0450-026-0000, INCLUDING ALL
11 APPURTENANCES AND
12 IMPROVEMENTS THERETO;
13 REAL PROPERTY LOCATED AT 833
14 WEST SYCAMORE STREET,
15 WILLOWS, CALIFORNIA, GLENN
16 COUNTY, APN: 001-21-2-003-0,
17 INCLUDING ALL APPURTENANCES
18 AND IMPROVEMENTS THERETO;
19 REAL PROPERTY LOCATED AT
20 7447 ANTELOPE ROAD, CITRUS
21 HEIGHTS, CALIFORNIA,
22 SACRAMENTO COUNTY, APN: 204-
23 0202-014-0000, INCLUDING ALL
24 APPURTENANCES AND
25 IMPROVEMENTS THERETO;
26 REAL PROPERTY LOCATED AT
27 10293 ROCKINGHAM DRIVE,
28 RANCHO CORDOVA, CALIFORNIA,
SACRAMENTO COUNTY, APN: 077-
0050-044-0000, INCLUDING ALL
APPURTENANCES AND
IMPROVEMENTS THERETO;
REAL PROPERTY LOCATED AT 675
KULIKE ROAD, HAIKU, MAUI,
HAWAII, MAUI COUNTY, TAX MAP
KEY NO: (2) 2-8-04-072, INCLUDING
ALL APPURTENANCES AND
IMPROVEMENTS THERETO; and
REAL PROPERTY LOCATED AT 575
MENLO DRIVE, ROCKLIN,
CALIFORNIA, PLACER COUNTY,
APN: 017-283-004-000, INCLUDING
ALL APPURTENANCES AND
IMPROVEMENTS THERETO,

Defendants.

1 **TO: THE HONORABLE MORRISON C. ENGLAND, JR., UNITED STATES JUDGE FOR**
2 **THE EASTERN DISTRICT OF CALIFORNIA, AND ALL CLAIMANTS AND THEIR**
3 **COUNSEL OF RECORD:**

4 In accordance with Eastern District Local Rule 230(f), the Plaintiff, United States of
5 America (the "Government"), and Claimant, Mechanics Bank (the "Bank") (together, the "Parties")
6 hereby respectfully request that the Court reschedule the hearings currently set for **January 24,**
7 **2013, at 2:00 p.m.,** on (1) the Motion to Stay Forfeiture Proceedings Pursuant to 18 U.S.C.
8 § 981(g)(1) filed by the Government; and (2) Mechanics Bank's Motion for Summary Judgment
9 (together, the "Hearings"). **The Parties to this stipulation request that the Hearings be set for**
10 **January 31, 2013.** The Parties request this continuance based on the following reason:

11 The Court graciously granted the Parties' previous request to continue the Hearings
12 to January 24, 2013. At the time the Parties made that request, the Bank's attorney, John A.
13 Graham, believed that an oral argument scheduled in another matter pending before the United
14 States Sixth Circuit Court of Appeals in Cincinnati, Ohio, on January 24, 2013, in which he is
15 attorney of record for Appellant, was being continued pursuant to the Appellants' request to the
16 Sixth Circuit to continue that oral argument (where there was no opposition by the Appellee to the
17 continuance). However, the Sixth Circuit has denied that request by its Order entered on November
18 27, 2012, and therefore, Mr. Graham must be in Cincinnati on January 24, 2013 to represent his
19 client at the oral argument. A copy of the Sixth Circuit's Order denying Appellants' motion to
20 reschedule oral argument is attached hereto as Exhibit A.

21 Accordingly, the Parties have mutually agreed to a date for the Hearings of
22 January 31, 2013.

23 There will be no prejudice to Parties to this stipulation or any other claimant by
24 allowing this rescheduling of the Hearings.

25 WHEREFORE, the Government and the Bank request that the Hearings be
26 continued to **January 31, 2013.**

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Dated: November 27, 2012

JEFFER MANGELS BUTLER & MITCHELL LLP
ROBERT B. KAPLAN, P.C.
JOHN A. GRAHAM

By: /s/ John A. Graham
JOHN A. GRAHAM
Attorneys for MECHANICS BANK

Dated: November 27, 2012

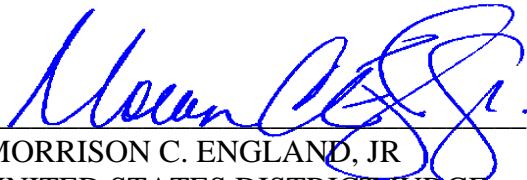
BENJAMIN B. WAGNER
United States Attorney

By: /s/ Kevin C. Khasigian
KEVIN C. KHASIGIAN
Assistant U.S. Attorney

Because the Parties' requested date of **January 31, 2013**, is not available, the Court hereby continues the hearings to **February 7, 2013**.

IT IS SO ORDERED.

Dated: December 4, 2012


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE