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8 Attorneys for the United States of America

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,  
13 Plaintiff,

14 v.

15 REAL PROPERTY LOCATED  
AT 6557 ASCOT DRIVE,  
16 OAKLAND, CALIFORNIA,  
17 Defendant.

18  
19 EREFORD HUMANITARIAN  
BUSINESS TRUST,  
20 HUIBERT JOHANNES VAN PRAAG,  
LONGMEAD PROPERTIES LIMITED,  
21 STEVEN FONTAINE AND  
NILOUFER FONTAINE,  
22 Claimants.

E-Filing

No. 02-4948 JSW

STIPULATION RE: ONE-DAY  
EXTENSION, *NUNC PRO TUNC*,  
FOR FILING THE MOTION  
OF THE UNITED STATES  
FOR SUMMARY JUDGMENT

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1 The parties agree, subject to the Court's approval, that the deadline for the United States  
2 to file its motion for summary judgment which was due to be filed on October 3, 2008 is  
3 extended by one-business day, to and including October 6, 2008, and that the opposition of the  
4 claimants Steven Fontaine and Niloufer Fontaine be extended as well by one day, to and  
5 including October 20, 2008. The reply of the United States shall continue to be due on or before  
6 October 24, 2008. In this way, the two weeks that the Court has to consider the submission prior  
7 to the hearing will not be affected.

8 The Court scheduled the last day for hearing on dispositive motions for November 7,  
9 2008. Under Civil Local Rule 7-2(a), motions must be filed five weeks before the hearing date.  
10 For a November 7, 2008 hearing date, five weeks before the hearing date is October 3, 2008. In  
11 order that claimants Steven Fontaine and his wife, Niloufer Fontaine, have full 2-weeks to  
12 oppose the motion, Civ.L.R. 7-3(a), the United States also asks the Court to extend the time for  
13 claimants Fontaine to oppose by one day which will come out of the week which the United  
14 States has to reply. All claimants have graciously agreed to the requested extensions.

15 The reason for the requested extensions is that the undersigned Assistant United States  
16 Attorney had knee surgery in early September and, as a result, was out of the office for  
17 more than two weeks. As a result, due to the press of business including other court imposed  
18 deadlines and despite the exercise of due diligence, the undersigned was unable to file the motion  
19 for summary judgment on October 3, 2008. In order to file the motion on Sunday, October 5,

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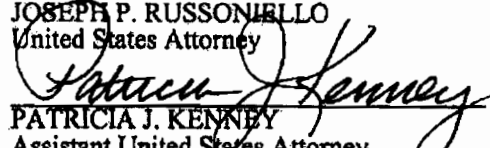
1 2008, the undersigned worked until 10:00 p.m. on October 3 (Friday), until 11:15 p.m. on  
2 October 4 (Saturday) and until 5:00 p.m. on October 5 (Sunday).

3 Accordingly, the parties respectfully request the Court to enter this stipulation as an order.  
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5 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

6 Dated: October 6, 2008

  
PATRICIA J. KENNEY  
Assistant United States Attorney  
Attorneys for the United States

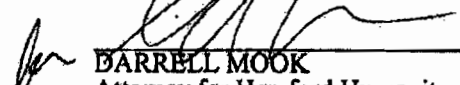
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8  
9 COOPER, WHITE & COOPER LLP

10 Dated: October 6, 2008

  
STEPHEN D. KAUS  
Attorneys for Hereford Humanitarian Business Trust


11  
12 DONOVAN HATEM LLP

13 Dated: October 6, 2008

  
BARRELL MOOK  
Attorney for Hereford Humanitarian Business Trust

14  
15 CLARENCE & DYER LLP

16 Dated: October 6, 2008

  
KATE DYER  
Attorney for Huibert Van Praag and  
Longmead Properties LLP

17  
18  
19 Dated: October 6, 2008

  
STEVEN FONTAINE  
NILOUFER FONTAINE  
Claimants

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22 IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION ON THIS \_\_\_\_\_  
23 DAY OF OCTOBER, 2008.  
24

25 HONORABLE JEFFREY S. WHITE  
26 United States District Court  
27  
28

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5 IT IS SO STIPULATED: JOSEPH P. RUSSONIELLO  
United States Attorney

6 Dated: October 6, 2008

7 PATRICIA J. KENNEY  
Assistant United States Attorney  
8 Attorneys for the United States

9 COOPER, WHITE & COOPER LLP

10 Dated: October 6, 2008

11 STEPHEN D. KAUS  
Attorneys for Hereford Humanitarian Business Trust

12 DONOVAN HATEM LLP

13 Dated: October 6, 2008

14 DARRELL MOOK  
Attorney for Hereford Humanitarian Business Trust

15 CLARENCE & DYER LLP

16 Dated: October 6, 2008

17 KATE DYER  
Attorney for Huiberg Van Praag and  
18 Longmead Properties LLP

19 Dated: October 6, 2008

20 STEVEN FONTAINE  
21 NILOUFER FONTAINE  
Claimants

22 IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION ON THIS \_\_\_\_\_  
23 DAY OF OCTOBER, 2008.  
24

25 HONORABLE JEFFREY S. WHITE  
26 United States District Court  
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5 IT IS SO STIPULATED: JOSEPH P. RUSSONIELLO  
United States Attorney

6 Dated: October 6, 2008

7 PATRICIA J. KENNEY  
Assistant United States Attorney  
Attorneys for the United States

8 COOPER, WHITE & COOPER LLP

9 Dated: October 6, 2008

10 STEPHEN D. KAUS  
Attorneys for Hereford Humanitarian Business Trust

11 DONOVAN HATEM LLP

12 Dated: October 6, 2008

13 DARRELL MOOK  
Attorney for Hereford Humanitarian Business Trust

14 CLARENCE & DYER LLP

15 Dated: October 6, 2008

16 KATE DYER  
Attorney for Huibert Van Praag and  
Longmead Properties LLP

17 Dated: October 6, 2008

18 STEVEN FONTAINE  
NILOUFER FONTAINE  
Claimants

19 IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION ON THIS 7th  
20 DAY OF OCTOBER, 2008.

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25 HONORABLE JEFFREY S. WHITE  
United States District Court

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

Case Number: CV02-04948 JSW

**CERTIFICATE OF SERVICE**

v.

REAL PROPERTY AT 6557 ASCOT DRIVE,  
OAKLAND, CALIFO et al,

Defendant.  
\_\_\_\_\_ /

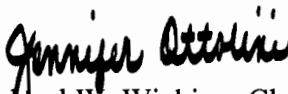
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Niloufer Fontaine  
6557 Ascott Drive  
Oakland, CA 94611-1708

Steven Fontaine  
6557 Ascott Drive  
Oakland, CA 94611-1708

Dated: October 7, 2008

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk