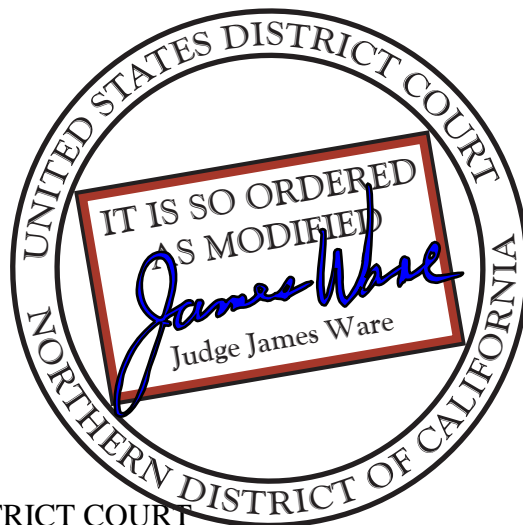


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12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 SHASTA STRATEGIC INVESTMENT)	Case No.: C-04-4264-JW
16 FUNDS, LLC; AND PRESIDIO GROWTH,)	
17 LLC (Tax Matters Partner),)	Related to Case Nos. C-04-4309-JW, C-04-
18)	4310-JW, C-04-4398-JW, C-04-4399-JW, C-
19 Petitioners,)	04-4964-JW, C-05-1123-JW, C-05-02835-JW,
20)	and C-05-3887-JW
21 vs.)	
22 UNITED STATES OF AMERICA)	STIPULATION AND PROPOSED ORDER
23)	EXTENDING DEADLINES
24 Respondent.)	
25)	
26)	
27)	
28)	

29 Pursuant to Civil Local Rule 6-2, Intervenor David Soward and Voltaire, LLC, and Tom
 30 Gonzales and Birch Ventures, LLC, request an extension of deadlines contained in the Court's
 31 September 28, 2011 Order Extending Deadlines (Dkt. No. 130). Respondent and Petitioners have
 32 no objection to Intervenor's request for an extension of deadlines. In support of this request
 33 Intervenor submit the following:

34 Stipulation and Proposed Order
 35 (No. C-04-4264-JW)

1. Intervenor request a three month extension to allow sufficient time to review discovery recently produced by Respondent on January 31, 2012, February 14, 2012, and February 24, 2012, and to allow for counsel to adequately prepare for the trial of this complicated, complex tax case.

2. The Court's September 28, 2011 Order established the following deadlines and court dates:

Disclosure of Expert Witnesses (63 days prior to close of discovery)	March 12, 2012
Disclosure of Rebuttal Experts (49 days prior to close of discovery)	March 26, 2012
Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	April 6, 2012
Preliminary Pretrial Conference) (app. 30 days before the close of discovery)	April 16, 2012
Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on a Monday)	May 7, 2012
Close of All Discovery	May 14, 2012
Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	July 9, 2012

3. Martin A. Schainbaum, A Professional Law Corporation, represents Intervenor David Soward and Voltaire, LLC, and Tom Gonzales and Birch Ventures, LLC, in this complex, complicated civil tax case. See attached Declaration of Martin A. Schainbaum, at ¶ 1.

4. On or about January 31, 2012, the aforementioned law corporation received voluminous discovery from W. Carl Hankla, Trial Attorney, Tax Division, contained in an electronic thumb drive. This discovery in its electronic status was hand-delivered by Internal Revenue Service ("IRS") Supervisory Agent, Robert Gee, and consisted of thousands of pages and images contained in one thumb drive. See attached Declaration of Martin A. Schainbaum, at ¶ 2.

5. On or about February 14, 2012, the aforementioned law corporation received supplemental voluminous discovery in the form of one CD from Adair F. Boroughs, Trial Attorney, Tax Division, Washington, D.C. This discovery consisted of approximately 2500 images and approximately 718 pages. See attached Declaration of Martin A. Schainbaum, at ¶ 3.

6. On or about February 27, 2012, the aforementioned law corporation received supplemental voluminous discovery in the form of two DVD's from Adair F. Boroughs, Trial Attorney, Tax Division, Washington, D.C. See attached Declaration of Martin A. Schainbaum, at ¶ 4.

7. Intervenors, Birch Ventures, LLC, Tom Gonzales, and Voltaire, LLC, request that the deadlines and Court dates contained in the Court's September 28, 2011 Order be extended by approximately three months, resulting in the following schedule¹:

Disclosure of Expert Witnesses (63 days prior to close of discovery)	June 11, 2012
Disclosure of Rebuttal Experts (49 days prior to close of discovery)	June 25, 2012
Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	July 6, 2012
Preliminary Pretrial Conference (app. 30 days before the close of discovery)	July 16, 2012
Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on a Monday)	August 6, 2012
Close of All Discovery	August 13, 2012
Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	October 9, 2012

Previous Time Modifications

8. This Court previously granted stipulated requests to extend time to file answers in some

¹ All dates have been moved forward 91 days from the Court's September 28, 2011 Order, with the exception of the October 9, 2012 date for the Last Date for Hearing Dispositive Motions. Since October 8, 2012 is Columbus Day, a federal holiday, the date is moved forward one additional day to October 9, 2012.

1 of these related cases. *Shasta Strategic Investment Fund, LLC, v. United States*, Case No. 04-
2 4264 (N.D. Cal.), Dkt. Nos. 13, 18; *Belford Strategic Investment Fund, LLC v. United States*,
3 Case No. 04-4309 (N.D. Cal.), Dkt. Nos. 8, 11; *Princeton Strategic Investment Fund, LLC v.*
4 *United States*, Case No. 04-4310 (N.D. Cal.), Dkt. Nos. 11, 15; *Sanford Strategic Investment*
5 *Fund, LLC v. United States*, 04-4398 (N.D. Cal.), Dkt. Nos. 9, 12; *Olympus Strategic Investment*
6 *Fund, LLC, v. United States*, Case No. 04-4399 (N.D. Cal.), Dkt. Nos. 9, 13; *Sill Strategic*
7 *Investment Fund, LLC v. United States*, Case No. 04-4964 (N.D. Cal.), Dkt. Nos. 10, 13.

8 9. This Court previously granted Petitioners' Motion to Shorten Time to Hear Motion to
9 Compel 30(b)(6) Deposition. Dkt. No. 48.

10 10. This Court granted Respondent's motion to stay these related cases on November 7,
11 2005, due to parallel criminal proceedings. Dkt. No. 95. This Court granted a subsequent motion
12 to stay these related cases on October 2, 2006. Dkt. No. 103. This Court lifted the stay on June 9,
13 2011. Dkt. No. 124.

14 11. This Court previously granted a stipulated request to enlarge time for briefing in response
15 to Respondent's Motion for Summary Judgment in *Princeton Strategic Investment Fund, LLC v.*
16 *United States*, Case No. 04-4310 (N.D. Cal.), Dkt. No. 37.

17 12. This Court previously granted Respondent's Stipulation and Proposed Order on
18 September 28, 2011. Dkt. No. 130.

19 **Effect on the Schedule for the Case**

20 13. The requested extension would extend all deadlines in the case by approximately three
21 months.

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24 //

26 //

1 NOW, THEREFORE, IT IS AGREED AND STIPULATED by the parties, subject to an
 2 order of the Court that the deadlines and Court dates contained in the Court's September 28,
 3 2011 Order be extended by approximately three months, resulting in the following schedule²:

4 Disclosure of Expert Witnesses (63 days prior to close of discovery)	June 11, 2012
5 Disclosure of Rebuttal Experts (49 days prior to close of discovery)	June 25, 2012
6 Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	July 6, 2012 June 29, 2012
7 Preliminary Pretrial Conference) (app. 30 days before the close of discovery)	July 16, 2012 July 9, 2012
8 Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on a Monday)	August 6, 2012
9 Close of All Discovery	August 13, 2012
10 Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	October 9, 2012 October 15, 2012

13 Dated: March 8, 2012

Respectfully Submitted,

14
 15 /s/ Margaret A. Tough
 16 MARGARET A. TOUGH
 17 Latham & Watkins
 18 Attorney for Petitioners


/s/ Adair F. Boroughs
 ADAIR F. BOROUGHS
 Trial Attorney
 Tax Division, Department of Justice
 Attorney for Respondent

19 /s/ William E. Taggart, Jr.
 WILLIAM E. TAGGART, JR.
 Attorney for Intervenors
 Adkison, McNair, and Salmon Ventures

/s/ Martin A. Schainbaum
 MARTIN A. SCHAINBAUM
 Attorney for Intervenors
 Soward/Voltaire and Gonzales/Birch

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
 24 Dated: March 12, 2012


 James Ware
 United States District Judge

25
 26
 27 ² All dates have been moved forward 91 days from the Court's September 28, 2011 Order, with
 28 the exception of the October 9, 2012 date for the Last Date for Hearing Dispositive Motions.
 Since October 8, 2012 is Columbus Day, a federal holiday, the date is moved forward one
 additional day to October 9, 2012.

Stipulation and Proposed Order
 (No. C-04-4264-JW)

CERTIFICATE OF SERVICE

1 IT IS HEREBY CERTIFIED that service of the foregoing STIPULATION AND
2 PROPOSED ORDER EXTENDING DEADLINES, along with the attached Declaration of
3 Martin A. Schainbaum, has been made this 8th day of March 2012, upon the following by ECF:

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5 Latham & Watkins
6 David.York@lw.com

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8 Latham & Watkins
9 Steve.Bauer@lw.com

10 Margaret Tough
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13 Attorneys for Petitioners

14 Adair F. Boroughs
15 Trial Attorney
16 Tax Division, Department of Justice
17 Adair.F.Boroughs@usdoj.gov

18 Stuart D. Gibson
19 Senior Litigation Counsel
20 Tax Division, Department of Justice
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22 Attorneys for Respondent

23 William E. Taggart, Jr.
24 Taggart & Hawkins
25 wetaggart@tagghawk.com

26 Attorney for Intervenors R. Cary McNair, Kathryn N. McNair, Peter Adkison, and Salmon
27 Ventures, LLC

28 Joseph Depew
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Attorneys for Intervenor Salmon Ventures, LLC

1 And upon the following by E-Mail:

2 Thomas E. Redding
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4 gniddermot@hotmail.com

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6 John M. Colvin
7 Chicoine & Hallett PS
8 jcolvin@c-hlaw.com

9 Attorney for Intervenor Peter Adkison

10 /s/ Andrew D. Allen
11 ANDREW D. ALLEN, Esq.
12 Martin A. Schainbaum, APLC
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