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13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 SHASTA STRATEGIC INVESTMENT )	Case No. C-04-4264-JW
17 FUND, LLC; AND PRESIDIO GROWTH )	Related to Case Nos. C-04-4309-JW, C-04-
18 LLC (Tax Matters Partner), )	4398-JW, C-04-4399-JW, C-04-4964-JW, C-
)	05-1123-JW, C-05-2835-JW, and C-05-3887-
19 Petitioners, )	JW
)	
20 v. )	
)	
21 UNITED STATES OF AMERICA, )	<b>STIPULATION AND <del>PROPOSED</del></b>
)	<b>ORDER VACATING DEADLINES</b>
22 Respondent. )	<b>RELATING TO PRELIMINARY</b>
)	<b>PRETRIAL CONFERENCE</b>
23 )	

24 Pursuant to Local Rule 6-2, the undersigned parties to these related actions hereby stipulate  
 25 and request that the Court remove from the calendar the filing of Preliminary Pretrial Conference  
 26

27  
 28 Stipulation and ~~Proposed~~ Order  
 Case No. C-04-4264-JW

1 Statements, set for June 29, 2012, and the Preliminary Pretrial Conference, set for July 9, 2012. In  
2 support of this request, the parties submit the following:

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4 1. According to the Order entered July 6, 2011, the parties must confer with one another,  
5 and file and lodge by the deadline a Preliminary Pretrial and Trial Setting Conference Statement  
6 stating their readiness for trial, the amount of time which the Court should allocate for trial and the  
7 calendar period for the trial. Among other things, the purpose of the Preliminary Pretrial and Trial  
8 Setting Conference is to set a time for trial, and establish time parameters for the parties'  
9 presentations at trial.

10  
11 2. By Order entered March 12, 2012, the Court established June 29, 2012 as the deadline  
12 for filing the Preliminary Pretrial and Trial Setting Conference Statement, and July 9, 2012 as the  
13 date for the Preliminary Pretrial and Trial Setting Conference. In that same order, among other  
14 deadlines, the Court established August 13, 2012 as the discovery deadline, and set October 15, 2012  
15 as the last day to hear dispositive motions.

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17 3. On April 28, 2012 the Court announced the retirement of Chief Judge Ware, to be  
18 effective in August, 2012. The Court has since announced that Chief Judge Ware will conduct his  
19 final Civil Law and Motion calendar on June 25, 2012.

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21 4. Because Chief Judge Ware will retire before the trial of these cases, the parties  
22 believe that it would be more efficient to address pretrial and trial scheduling issues after the cases  
23 have been assigned to a new judge.

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25 5. The parties do not seek any other modification or extension of the schedule  
26 established in the March 12, 2012 Order.

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**Previous Time Modifications**

6. The Court previously granted stipulated requests to extend time to file answers in some of these related cases. *Shasta*, Case No. 04-4264, Docket Nos. 13, 18; *Belford*, Case No. 04-4309, Docket Nos. 8, 11; *Sanford*, Case No. 04-4398, Docket Nos. 9, 12; *Olympus*, Case No. 04-4399, Docket Nos. 9, 13; *Sill*, Case No. 04-4964, Docket Nos. 10, 13.

7. The Court previously granted Petitioners' Motion to Shorten Time to Hear Motion to Compel Rule 30(b)(6) Deposition. Docket No. 48.

8. The Court previously granted Respondent's Motion to Stay these related cases on November 7, 2005, to avoid conflict with parallel criminal proceedings (Docket No. 95), and extended that stay on October 2, 2006. Docket No. 103. After completion of the criminal proceedings, the Court lifted the stay by Order of June 9, 2011. Docket No. 124.

9. The Court has previously granted two stipulated requests (first from respondent and second from intervenors Tom Gonzales and Birch Ventures LLC) to extend the schedule. The first was granted on September 28, 2011 (Docket No. 130), and the second was granted on March 12, 2012 (Docket No. 133).

**Effect on the Schedule for the Case**

10. The requested relief would not extend the schedule, but would merely reflect the impact of Chief Judge Ware's retirement on any trial setting.

1 NOW THEREFORE, IT IS AGREED AND STIPULATED by the parties, subject to Order  
2 of the Court, that the date for filing the Preliminary Pretrial and Trial Setting Conference Statement  
3 and Proposed Order, and the date for the Preliminary Pretrial and Trial Setting Conference, are  
4 VACATED, pending the reassignment of these cases to a successor judge.  
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7 Dated: June 19, 2012

Respectfully submitted

8 /s/ Steven M. Bauer

/s/ Stuart D. Gibson

9 STEVEN M. BAUER

STUART D. GIBSON

Latham & Watkins

Senior Litigation Counsel

10 Attorney for Petitioners

Tax Division, Department of Justice

11 Attorney for Respondent

12 /s/ William E. Taggart, Jr.

/s/ Martin A. Schainbaum

13 WILLIAM E. TAGGART, JR.

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Attorney for Intervenors

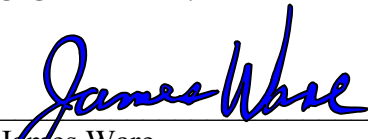
Attorney for Intervenors

14 Adkison and Salmon Ventures

Tom Gonzales and Birch Ventures LLC

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

17 Dated: June 22, 2012

  
\_\_\_\_\_  
James Ware  
United States District Judge