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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 SHASTA STRATEGIC INVESTMENT)	Case No. C-04-4264-RS
15 FUND, LLC; AND PRESIDIO GROWTH)	Related to Case Nos. C-04-4309-RS, C-04-4398-
16 LLC (Tax Matters Partner),)	RS, C-04-4964-RS, C-05-1123-JW, C-05-1996-
17)	RS, C-05-2835-RS, and C-05-3887-RS
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STIPULATION TO MODIFY SCHEDULE

24 Pursuant to Civil Local Rule 6-2, Respondent requests that the date for filing pretrial motions
 25 be extended by approximately 60 days and that trial be moved to October 7, 2013. The other parties
 26 do not object to this request. In support of this request Respondent submits the following:
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 28

1 1. Lead counsel for the United States, Stuart Gibson, is retiring as of January 3, 2013,
2 and has or will be filing a withdrawal of counsel in these cases on that date. Mr. Gibson has been
3 the lead counsel on these cases since their inception in 2004 and 2005.
4

5 2. In the next few weeks, the Tax Division will be assigning a new lead counsel to these
6 cases who will need time to become familiar with the facts, law and procedural history of these
7 cases.
8

9 3. Under the Court's October 15, 2012 Case Management Scheduling Order, all pretrial
10 motions must be heard by February 21, 2013, which requires that they be filed and served by
11 January 17, 2013. The final pretrial conference is set for April 4, 2013, and the trial date is set for
12 April 15, 2013.
13

13 **Previous Time Modifications**

14 4. This Court previously granted stipulated requests to extend time to file answers in
15 some of these related cases. *Shasta Strategic Investment Fund, LLC v. United States*, Case No. 04-
16 4264 (N.D. Cal.), Dkt. Nos. 13, 18; *Belford Strategic Investment Fund, LLC v. United States*, Case
17 No. 04-4309 (N.D. Cal.), Dkt. Nos. 8, 11; *Princeton Strategic Investment Fund, LLC v. United*
18 *States*, Case No. 04-4310 (N.D. Cal.), Dkt. Nos. 11, 15; *Sanford Strategic Investment Fund, LLC v.*
19 *Untied States*, Case No. 04-4398 (N.D. Cal.), Dkt. Nos. 9, 12; *Olympus Strategic Investment Fund,*
20 *LLC v. United States*, Case No. 04-4399 (N.D. Cal.), Dkt. Nos. 9, 13; *Sill Strategic Investment Fund,*
21 *LLC v. United States*, Case No. 04-4964 (N.D. Cal.), Dkt. Nos. 10,13.
22
23

24 5. This Court previously granted Petitioners' Motion to Shorten Time to Hear Motion to
25 Compel 30(b)(6) Deposition. Dkt. No. 48.
26

27 6. This Court granted Respondent's motion to stay these related cases on November 7,
28 2005, due to parallel criminal proceedings. Dkt. No. 95. This Court grated a subsequent motion to

1 stay these related cases on October 2, 2006. Dkt. No. 103. This Court lifted the stay on June 9,
2 2011. Dkt. No. 124.

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

7 8. The Court previously granted three other stipulated requests to extend deadlines.
8 Dkt. Nos. 130, 133, and 140.

9 9. After Judge Ware retired and Judge Seeborg held a scheduling conference with the
10 parties, the Court entered a Case Management Scheduling Order modifying the remaining schedule
11 in the case. Dkt. No. 160.

13 10. This Court previously granted a stipulated request to enlarge time for briefing in
14 response to Intervenor's Motion to Dismiss or, in the alternative, Motion for Summary Judgment in
15 *Twenty-Two Strategic Investment Funds v. United States*, Case No. 05-02835-RS (N.D. Cal.).

17 **Effect on the Schedule for the Case**

18 11. The requested change would move the final date for hearing all pretrial motions by
19 approximately 60 days, move the trial date to October 7, 2013, and vacate the final pretrial
20 conference date, which will be set by further order of the Court.

22 **NOW, THEREFORE, IT IS AGREED AND STIPULATED** by the parties, subject to an
23 order of the Court that:

25 (A) All pretrial motions must be filed and served pursuant to Civil Local Rule 7. All pretrial
26 motions shall be heard no later than April 25, 2013.

1 (B) The final pretrial conference currently set for April 4, 2013, is vacated, and a final
2 September 26, 2013 at 10:00 a.m.
3 pretrial conference will be held on at a date and at a time to be set by further order the Court;

4 (C) Trial shall commence on **October 7, 2013**, at 9:00 a.m., in Courtroom 3, 17th Floor,
5 United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

6 Dated: January 4, 2013

Respectfully submitted

7 /s/ Margaret Tough

/s/ Adair F. Boroughs

8 MARGARET TOUGH

ADAIR F. BOROUGHS

9 Latham & Watkins

Trial Attorney

Attorney for Petitioners

Tax Division, Department of Justice
Attorney for Respondent

10
11 /s/ William E. Taggart, Jr.

/s/ Martin A. Schainbaum

12 WILLIAM E. TAGGART, JR.

MARTIN A. SCHAINBAUM

13 Attorney for Intervenors

Attorney for Intervenors

Adkison, McNair, and Salmon Ventures

Soward/Voltaire and Gonzales/Birch

14 /s/ Jessica C. Munk

Jessica C. Munk

15 Law Office of David W. Wiechert

16 Attorney for Intervenors Clarence Ventures, LLC and J. Paul Reddam

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

18 Dated: 1/4/13



19 Richard Seeborg

20 United States District Judge