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 11 *Of Counsel*

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

16	SHASTA STRATEGIC INVESTMENT)	Case No. C-04-4264-RS
17	FUND, LLC; AND PRESIDIO GROWTH)	Related to Case Nos. C-04-4309-RS, C-04-4398-
18	LLC (Tax Matters Partner),)	RS, C-04-4964-RS, C-05-1123-JW, C-05-1996-
19	Petitioners,)	RS, C-05-2835-RS, and C-05-3887-RS
20	v.)	STIPULATION FOR EXTENSION OF PAGE
21	UNITED STATES OF AMERICA,)	LIMITS
22	Respondent.)	
23	And Related Cases)	

25 Pursuant to Civil Local Rule 7-11, the United States requests that the Court extend the page
 26 limits for briefing on motions for summary judgment to 45 pages for initial motions and oppositions
 27
 28

Stipulation
 Case No. C-04-4264

1 and 25 pages for replies. The other parties do not object to this request.
2 Respondent submits the following:

3 1. Under Local Rule 7-2(b), motions for summary judgement cannot exceed 25 pages in
4 length, including a statement of facts and a memorandum of points and authorities.
5

6 2. Under Local Rule 7-4(b), opposition briefs may not exceed 25 pages of text and reply
7 briefs may not exceed 15 pages of text.

8 3. Under the current scheduling order, motions for summary judgment must be filed by
9 March 21, 2013.
10

11 4. These related cases all concern a structured transaction, the Bond-Linked Issue
12 Premium Structure (“BLIPS”), that was designed for tax benefits and sold to numerous participants
13 in the late 1990s. Petitioners contend that BLIPS involved a legitimate investment program.
14 Respondent contends, among other things, the BLIPS transactions lacked economic substance and
15 were shams.
16

17 5. Presentation of the United States’ case for summary judgment in this matter will include
18 an involved Statement of Facts regarding (a) the nature of the BLIPS program, (b) a description of
19 the various components of the program, (c) a description of how the program was implemented and
20 (d) an economic and financial analysis of the program, as applied to these Petitioners. In addition,
21 this case will require legal briefing on the procedural posture of this case, the substance of the
22 transaction, and a penalty analysis under 26 U.S.C. § 6662. Due to the complexity of the BLIPS
23 transactions, the United States expects this briefing to exceed the 25-page limit under local rules.
24

25 6. Therefore, the United States requests that the Court extend the page limit for summary
26 judgment motions in this matter, from 25 pages to 45 pages, so that it can fully present its case for
27 summary judgment.
28

1 7. In fairness and to save the Court time from having to rule on three separate requests for
2 page limit extensions, the United States also requests that the page limit for oppositions to summary
3 judgment motions be extended from 25 to 45 pages and that the page limit for reply briefs be
4 extended from 15 to 25 pages.
5

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

8 (A) Motions for summary judgment may not exceed 45 pages of text;

9 (B) Briefs or memoranda in opposition to summary judgment may not exceed 45 pages of
10 text;

11 (C) Reply briefs or memoranda may not exceed 25 pages of text.
12

13 Dated: March 13, 2013

Respectfully submitted

14 /s/ Margaret Tough

/s/ Adair F. Boroughs

15 MARGARET TOUGH
16 Latham & Watkins
17 Attorney for Petitioners

ADAIR F. BOROUGHS
Trial Attorney
Tax Division, Department of Justice
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18 /s/ William E. Taggart, Jr.

/s/ Martin A. Schainbaum

19 WILLIAM E. TAGGART, JR.
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21 /s/ Jessica C. Munk

22 JESSICA C. MUNK
23 Law Office of David W. Wiechert
Attorney for Intervenors Clarence Ventures, LLC and J. Paul Reddam

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

25 Dated: 3/14/13



26 Richard Seeborg
27 United States District Judge
28