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

16	TWENTY-TWO STRATEGIC	)	Case No. C 05-02835-RS
17	INVESTMENT FUNDS, LLC; AND)	
18	PRESIDIO GROWTH, LLC (Tax	)	STIPULATION TO ENLARGE TIME FOR
19	Matters Partner),	)	BRIEFING IN RESPONSE TO
20		)	INTERVENOR’S MOTION TO DISMISS OR,
21	Petitioners,	)	IN THE ALTERNATIVE, MOTION FOR
22		)	SUMMARY JUDGMENT
23	v.)	
24		)	Hearing Date: February 21, 2013
25	UNITED STATES OF AMERICA,	)	Time: 1:30 p.m.
26		)	Place: Courtroom 3, 17th Floor
27	Respondent.	)	Hon. Richard Seeborg
28)	

26 Pursuant to Civil Local Rule 6-2, Respondent United States and Intervenor Birch Ventures,
 27 LLC jointly request an enlargement of time to file briefing in response to Intervenor’s recently-filed
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1 Motion to Dismiss or, in the alternative, Motion for Summary Judgment (Dkt. No. 64). In support of
2 this request, the parties jointly state as follows:

3 1. On November 21, 2012, Intervenor Birch Ventures, LLC filed a motion to dismiss or,
4 in the alternative, a motion for summary judgment in the above-captioned case. (Dkt. No. 64.)

5 2. Respondent's opposition is currently due on December 5, 2012, and Intervenor's
6 reply is currently due on December 12, 2012. The hearing is set for February 21, 2013, at 1:30 p.m.

7 3. The parties request that Respondent's time to file its opposition be extended by two
8 weeks, to December 19, 2012, and that Intervenor's time to file its reply be extended by 13 days, to
9 be due January 8, 2013.
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12 **Previous Time Modifications**

13 4. This Court previously granted stipulated requests to extend time to file answers in
14 some of these related cases. *Shasta Strategic Investment Fund, LLC v. United States*, Case No. 04-
15 4264 (N.D. Cal.), Dkt. Nos. 13, 18; *Belford Strategic Investment Fund, LLC v. United States*, Case
16 No. 04-4309 (N.D. Cal.), Dkt. Nos. 8, 11; *Princeton Strategic Investment Fund, LLC v. United*
17 *States*, Case No. 04-4310 (N.D. Cal.), Dkt. Nos. 11, 15; *Sanford Strategic Investment Fund, LLC v.*
18 *Untied States*, Case No. 04-4398 (N.D. Cal.), Dkt. Nos. 9, 12; *Olympus Strategic Investment Fund,*
19 *LLC v. United States*, Case No. 04-4399 (N.D. Cal.), Dkt. Nos. 9, 13; *Sill Strategic Investment Fund,*
20 *LLC v. United States*, Case No. 04-4964 (N.D. Cal.), Dkt. Nos. 10, 13.
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22 5. This Court previously granted Petitioners' Motion to Shorten Time to Hear Motion to
23 Compel a 30(b)(6) Deposition in these related cases. *Shasta*, Case No. 04-4264, Dkt. No. 48.

24 6. This Court granted Respondent's motion to stay these related cases on November 7,
25 2005, due to parallel criminal proceedings. *Shasta*, Case No. 04-4264, Dkt. No. 95. This Court
26 granted a subsequent motion to stay these related cases on October 2, 2006. *Shasta*, Case No. 04-
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1 4264, Dkt. No. 103. This Court lifted the stay on June 9, 2011. *Shasta*, Case No. 04-4264, Dkt. No.
2 124.

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 in
8 these related cases. *Shasta*, Case No. 04-4264, 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 these related cases. *Shasta*, Case No. 04-4264, Dkt. No. 160.

13 **The Requested Extensions Will Not Affect the Hearing Date or the Case Schedule**

14 10. The hearing on the motion has been set for February 21, 2013. Dkt. No. 64. Thus,
15 the requested extensions would have no effect on the date of the hearing, which is more than six
16 weeks after the final reply brief would be filed under the requested extensions.

18 11. By this Court's order, the last date for hearing dispositive motions is February 21,
19 2013. Dkt. No. 61. Thus, the requested extensions would not affect the schedule of the case.

20 NOW, THEREFORE, IT IS AGREED AND STIPULATED by the parties, subject to an
21 order of the Court that:

22 (A) the time by which Respondent may file an opposition to Intervenor Birch Ventures,
23 LLC's Motion to Dismiss or, in the alternative, Motion for Summary Judgment (Dkt. No. 64) is
24 extended to December 19, 2012; and
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(B) the time by which Intervenor Birch Ventures, LLC may file a reply to Respondent's Opposition to Intervenor Birch Ventures, LLC's Motion to Dismiss or, in the alternative, Motion for Summary Judgment is extended to January 8, 2013.

Dated: November 28, 2012
/s/ Martin A. Schainbaum
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Respectfully submitted
/s/ Adair F. Boroughs
ADAIR F. BOROUGHS
Trial Attorney
Tax Division, Department of Justice
Attorney for Respondent

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/28/12


Richard Seeborg
United States District Judge