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8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 TWENTY-TWO STRATEGIC	)	Case No.: C-05-2835 RS
13 INVESTMENT FUNDS, LLC; AND	)	ORDER
14 PRESIDIO GROWTH, LLC (Tax Matters	)	STIPULATION TO ENLARGE TIME
15 Partner),	)	FOR BRIEFING IN REPLY TO
16	)	RESPONDENT'S RESPONSE TO
17	)	INTERVENOR'S MOTION FOR
18	)	SUMMARY JUDGMENT
19)	
20)	
21)	
22	)	Hearing Date: April 25, 2013
23	)	Time: 1:30 p.m.
24	)	Place: Courtroom 3, 17 th Floor
25	)	Hon. Richard Seeborg
26)	
27)	
28)	

22 Pursuant to Civil Local Rule 6-2, Intervenor Birch Ventures, LLC requests an
 23 enlargement of time for Intervenor to file briefing in reply to Respondent's opposition to
 24 Intervenor's Motion to Dismiss or, in the alternative, Motion for Summary Judgment.

27 Stipulation and Proposed Order
 28 (No. C-04-4264 RS)

1 Respondent United States of America does not object to this request. In support of this request,
2 Intervenor states as follows:

3 1. On November 21, 2012, Intervenor Birch Ventures, LLC filed a motion to dismiss
4 or, in the alternative, a motion for summary judgment in the above-captioned case. (Dkt. No.
5 64.)

6 2. On December 19, 2012, Respondent United States of America filed its opposition
7 to Intervenor Birch Ventures, LLC's motion.

8 3. Intervenor's reply is currently due on January 8, 2013.

9 4. Intervenor requests that Intervenor's time to file its reply be extended by 7 days,
10 so that it is due January 15, 2013.

11 **Previous Time Modifications**

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

21 6. This Court previously granted Petitioners' Motion to Shorten Time to Hear
22 Motion to Compel a 30(b)(6) Deposition in these related cases. *Shasta*, Case No. 04-4264, Dkt.
23 No. 48.

24 7. This Court granted Respondent's motion to stay these related cases on November
25 7, 2005, due to parallel criminal proceedings. *Shasta*, Case No. 04-4264, Dkt. No. 95. This

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1 Court granted a subsequent motion to stay these related cases on October 2, 2006. *Shasta*, Case
2 No. 04-4264, Dkt. No. 103. This Court lifted the stay on June 9, 2011. *Shasta*, Case No. 04-
3 4264, Dkt. No. 124.

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

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8 9. The Court previously granted three other stipulated requests to extend deadlines
9 in these related cases. *Shasta*, Case No. 04-4264, Dkt. Nos. 130, 133, and 140.

10 10. After Judge Ware retired and Judge Seeborg held a scheduling conference with
11 the parties, the Court entered a Case Management Scheduling Order modifying the remaining
12 schedule in these related cases. *Shasta*, Case No. 04-4264, Dkt. No. 160.

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14 11. This Court previously granted a stipulated request to enlarge time for briefing in
15 response to Intervenor's Motion to Dismiss or, in the alternative, Motion for Summary Judgment
16 in this case.

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

19 12. The hearing on the motion has been set for April 25, 2013. Dkt. No. 163. Thus,
20 the requested extensions would have no effect on the date of the hearing, which is more than
21 fourteen weeks after the final reply brief would be filed under the requested extension.

22
23 13. By this Court's order, the last date for hearing dispositive motions is April 25,
24 2013. Dkt. No. 163. Thus, the requested extensions would not affect the schedule of the case.

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

3 (A) the time by which Intervenor Birch Ventures, LLC may file a reply to Respondent's
4 Opposition to Intervenor Birch Ventures, LLC's Motion to Dismiss or, in the alternative,
5 Motion for Summary Judgment is extended to January 15, 2013.
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8 Dated: January 8, 2013


Respectfully Submitted,

9
10 /s/ Martin A. Schainbaum
11 MARTIN A. SCHAINBAUM
12 Martin A. Schainbaum, PLC
13 Attorney for Intervenors Birch
14 Ventures, LLC and Tom Gonzales

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

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/8/13


Richard Seeborg
United States District Judge

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