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

11	<b>UNITED STATES OF AMERICA,</b>	)	
12	<b>Plaintiff,</b>	)	<b>No. C-06-04578-CRB</b>
13	<b>v.</b>	)	<b>STIPULATION RE: MOTION TO</b>
14		)	<b>SET ASIDE DEFAULT AND</b>
15	<b>YAHYA A. MOHAMED et al.,</b>	)	<b>DEFAULT JUDGMENT</b>
16	<b>Defendants.</b>	)	<b>AND QUASH SERVICE AND</b>
17		)	<b><del>PROPOSED</del> ORDER</b>
18		)	

19 This matter came before the Court for hearing on the Motion by Defendants Kalifa Yahya  
 20 Mohamed, Khaled Mohamed, Saleh Yahya Mohamed and Ramzey Mohamed to Set Aside  
 21 Default and Amended Default Judgment entered against them and to Quash Service of Process  
 22 upon them. Pursuant to the Stipulation by the parties in open court, the parties agree, subject to  
 23 the Court’s approval, as follows:

- 24 1. This is an action by the United States to foreclose its federal tax lien on real  
 25 property located at 933 Mandela Way a/k/a Cypress Street, Oakland, California  
 26 (“Mandela Property”) and 1334 Peralta Street, Oakland, California (“Peralta  
 27 Property”) and for a personal judgment against Defendants Yahya A. Mohamed  
 28 and Dahaiba S.Mohamed a/k/a Dahaba S. Mohamed
2. An Amended Default Judgment was entered against Defendants Yahya A.

1 Mohamed, Dahaiba S.Mohamed a/k/a Dahaba S. Mohamed, Kalifa Yahya  
2 Mohamed, Saleh Yahya Mohamed, Khaled Mohamed and Ramzey Mohamed.

3 3. Defendants Kalifa Yahya Mohamed, Saleh Yahya Mohamed, Khaled Mohamed  
4 and Ramzey Mohamed have moved to set aside the default and amended default  
5 judgments entered against them and to quash service of process.

6 4. Defendants, Kalifa Yahya Mohamed and Saleh Mohamed, are minors. Because  
7 these defendants are minors, Default Judgment against them is vacated pursuant to  
8 Rule 55(b)(2) of the Fed.R.Civ. P. The resultant Amended Default Judgment  
9 entered against Defendants Kalifa Yahya Mohamed and Saleh Mohamed is void  
10 pursuant to Rule 60(b)(4).

11 5. Defendants Ramzey Mohamed and Khaled Mohamed cannot be served within the  
12 State of California, or will not voluntarily appear, and therefore personal  
13 jurisdiction over these Defendants cannot be obtained with reasonable efforts by  
14 service of a summons in accordance with Rule 4 of the Fed.R.Civ.P. The  
15 Amended Default Judgment entered against these Defendants is void pursuant to  
16 Rule 60(b)(4).

17 6. The parties stipulate and agree that the Motion to Quash Service of Process is  
18 moot because the judgment is void pursuant to Rule 60(b)(4).

19 7. The parties stipulate to the entry of an Order pursuant to 28 U.S.C. §1655,  
20 directing Defendants, Kalifa Yahya Mohamed, Saleh Yahya Mohamed, Khaled  
21 Mohamed and Ramzey Mohamed, and any and all other parties claiming an  
22 interest in the Mandela Property and/or the Peralta Property to appear or plead by  
23 a day certain.

24 8. The parties agree that personal service is not practicable upon these four  
25 defendants, Kalifa Yahya Mohamed, Saleh Yahya Mohamed, Khaled Mohamed  
26 and Ramzey Mohamed, and therefore the Order referred to in paragraph 7 above  
27 shall be published in Alameda County, California, the county where the Peralta  
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1 Property and the Mandela Property are located. Such publication shall allow these  
2 Defendants and any other party claiming an interest in the Peralta Property and/or  
3 the Mandela Property to satisfy their claims therefore. Publication should be  
4 made in a newspaper of general circulation in Alameda County, California.

5 IT IS SO STIPULATED:

6 SCOTT SCHOOLS  
7 United States Attorney

8  
9 DATED: June 23, 2007

10 /s/ Cynthia Stier  
11 CYNTHIA L. STIER  
12 Assistant United States Attorney  
13 Attorney for the United States of  
14 America

15 DATED: June 23, 2007

16 WONG & ASSOCIATES

17 /s/ Travis Reynolds  
18 TRAVIS REYNOLDS  
19 Attorney for Defendants  
20 (510)451-2124

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ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED:

1. The default and default judgment against Kalifa Yahya Mohamed, Saleh Yahya Mohamed, Khaled Mohamed and Ramzey Mohamed is set aside pursuant to Rule 60(b)(4) of the Fed.R.Civ.P.
2. Pursuant to the Stipulation of the parties, the Motion to Quash Service of Process is moot.
3. Defendants Kalifa Yahya Mohamed, Saleh Yahya Mohamed, Khaled Mohamed and Ramzey Mohamed have shown that personal jurisdiction over them cannot be obtained with reasonable efforts in this district in a manner authorized by Rule 4 of the Fed.R.Civ.P. Therefore, pursuant to Rule 4(n) of the Fed.R.Civ.P., this Court asserts jurisdiction over the two parcels of real property at issue in this action, located at 933 Mandela Way a/k/a Cypress Street, Oakland, California (“Mandela Property”) and 1334 Peralta Street, Oakland, California (“Peralta Property”).
4. Pursuant to 28 U.S.C. §1655, the United States shall publish notice of the lawsuit in the county where the Peralta Property and Mandela Property are located. Such publication shall allow the parties claiming an interest in the Peralta Property and the Mandela Property to satisfy their claims therefore. Publication should be made for six consecutive weeks in a newspaper of general circulation in Alameda County, California, the area in which Peralta Property and the Mandela Property are located.

Dated: July 24, 2007

Stipulation Re: Motion to Set Aside Default and Default Judgment and Quash Service and [Proposed] Order,  
Case No. C-06-04578-CRB

