

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CSBN 163973)
3 Chief, Criminal Division

4 PATRICIA J. KENNEY (CSBN 130238)
Assistant United States Attorney

5 450 Golden Gate Avenue, 11th Floor
6 San Francisco, California 94102
7 Telephone: 415.436.6857
8 Facsimile: 415.436.7234
Email: patricia.kenney@usdoj.gov

9 Attorneys for United States of America

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

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)

15 v.)

16 REAL PROPERTY AND)
17 IMPROVEMENTS LOCATED AT)
18 10 TABLE BLUFF ROAD, LOLETA,)
CALIFORNIA (APN 308-271-026),)
19 Defendant.)

20 JOAN HUNZIKER, CITIMORTGAGE,)
21 INC., AND CITIBANK, N.A.,)
22 Claimants.)

No. 06-5256 SI

STIPULATION AND ORDER
RE: SCHEDULING

23
24
25
26
27
28

1 Counsel for the United States and counsel for claimant Joan Hunziker agree, subject to
2 this Court's approval, that the case be stayed for 90 days and all deadlines be extended by 90
3 days primarily for the purpose of determining whether the parties can resolve this case without
4 further expensive and time-consuming litigation, but also because both counsel have serious
5 health concerns, and counsel of the United States will be undergoing surgery on October 19,
6 2009. Counsel recognize that there are a number of expenses if this litigation goes forward on
7 the current schedule, including a deposition next week which the United States is taking in
8 Eureka; the deposition of claimant's son, Brendon Clarke, who is living in southern California
9 and would have to be deposed there; the deposition of claimant Hunziker; the expense involved
10 responding to the pending written discovery requests of the parties. In addition, unknown at the
11 time of the last CMC, counsel for the United States will be undergoing surgery, a total right knee
12 replacement, on October 19, 2009 and will, at a minimum, be out of the office on medical leave
13 for three weeks. As the Court recalls, counsel for claimant was unable to attend the last CMC
14 because she had injured her knee by fracturing the tibial plane approximately six weeks ago and
15 is still unable to walk for more than a few minutes, drive in a vehicle without pain and unable to
16 fly – which would likely be involved in taking a deposition in southern California..

17 Specifically, counsel agree to the following rescheduled deadlines:

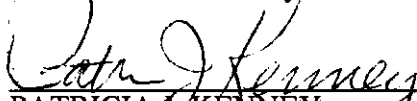
- 18 1. That claimant's responses to the United States' requests for admissions,
19 interrogatories and requests for documents which are due on or before October 21,
20 2009 are extended to and including January 19, 2010;
- 21 2. That the United States' responses to claimants' requests for admissions,
22 interrogatories and requests for documents which are due on or before
23 November 9, 2009 are extended to and including February 8, 2010;
- 24 3. That the September 9, 2009 pretrial preparation order dates are extended by 90
25 days as follows (except for the pretrial and trial dates which counsel anticipate can
26 be rescheduled, if necessary, at the January 29, 2010 case management
27 conference):
28

- 1 a. A further case management conference currently scheduled for November
- 2 13, 2009 will be held on January 29, 2010 at 3:00 p.m.;
- 3 b. The expert and non-expert discovery cut off currently scheduled for
- 4 December 18, 2009 will be extended to and including March 19, 2010;
- 5 and
- 6 c. The parties dispositive motions currently scheduled to be filed on January
- 7 29, 2010 are due to be filed on April 30, 2010.

9 IT IS SO STIPULATED:

11 Dated: October 9, 2009

JOSEPH P. RUSSONIELLO
United States Attorney




PATRICIA J. KENNEY
Assistant United States Attorney
Attorney for the United States

14 Dated: October 9, 2009

BRENDA GRANTLAND
Attorney for Claimant Joan Hunziker

18 IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION ON THIS _____
19 DAY OF OCTOBER, 2009.



HONORABLE SUSAN ILLSTON
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. A further case management conference currently scheduled for November 13, 2009 will be held on January 29, 2010 at 3:00 p.m.;
- b. The expert and non-expert discovery cut off currently scheduled for December 18, 2009 will be extended to and including March 19, 2010; and
- c. The parties dispositive motions currently scheduled to be filed on January 29, 2010 are due to be filed on April 30, 2010.


IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: October 9, 2009

PATRICIA J. KENNEY
Assistant United States Attorney
Attorney for the United States

Dated: October 9, 2009


BRENDA GRANTLAND
Attorney for Claimant Joan Hunziker

IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION ON THIS _____
DAY OF OCTOBER, 2009.

HONORABLE SUSAN ILLSTON
United States District Judge