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

12 <b>UNITED STATES OF AMERICA,</b>	)	NO. C-07-04632-JSW
	)	
13 <b>Plaintiff,</b>	)	
	)	<b>MOTION TO CONTINUE</b>
14 v.	)	<b>CASE MANAGEMENT</b>
	)	<b>CONFERENCE</b>
15 <b>MARVIN K. MOSS and</b>	)	
<b>MARJORIE MOSS,</b>	)	<b>AND ORDER THEREON</b>
	)	
16 <b>Defendants.</b>	)	
	)	

18 On December 21, 2007, the United States appeared for an initial Case Management  
 19 Conference. The government reported that the defendants had been served, but had not answered  
 20 the complaint. The government further stated that it would take the defendants defaults and then  
 21 file motions for default judgments. The government filed a request for entry of default against  
 22 each defendant on December 19, 2007. The Clerk of the Court entered the defendants' defaults  
 23 on January 18, 2008. Government counsel is presently preparing for trial before Judge Jensen in  
 24 **United States v. Kenneth Gerald Bordewick**, No. CR-06-0022-DLJ, which commences  
 25 February 11, 2008. The pretrial conference is set for February 8, 2008, at 11:00 a.m. The  
 26 government will file its motions for default judgment after this trial is completed. The  
 27 government, therefore,

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1 respectfully requests that the Case Management Conference set for February 8, 2008, at 1:30  
2 p.m. be continued for 30 days..

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4 Respectfully submitted,

5 JOSEPH P. RUSSONIELLO  
6 United States Attorney

7  
8 /s/ David L. Denier  
9 DAVID L. DENIER  
Assistant United States Attorney  
Tax Division

10 Plaintiff's motion is GRANTED. Plaintiff, however, is advised that any further requests to  
11 continue case management conferences shall be submitted on the date the case management  
12 statement is due. Further, Plaintiff is reminded that a proposed order must be submitted with  
all motions.

13 The case management conference scheduled for February 8, 2008, at 1:30 p.m. is HEREBY  
14 CONTINUED to March 7, 2008, at 1:30 p.m. Plaintiff must file its motion for default  
15 judgment by no later than February 29, 2008, or file a request to extend that deadline which  
16 shows good cause for such an extension. If Plaintiff files a motion for default judgment on or  
before February 29, 2008, the case management conference shall be vacated.

17 February 6, 2008

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CERTIFICATE OF SERVICE

I, KATHY P. TAT declare:

That I am a citizen of the United States of America and employed in San Francisco County, California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a party to the above-entitled action.

I am employed by the United States Attorney for the Northern District of California and discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of the following:

MOTION TO CONTINUED CASE MANAGEMENT CONFERENCE

to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed envelope, and served as follows:

FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

PERSONAL SERVICE (BY MESSENGER)

FACSIMILE (FAX) No.: \_\_\_\_\_

to the parties addressed as follows:

*MARVIN K. MOSS  
60 RIVERSIDE COURT  
PITTSBURG, CA 94565*

*MARJORIE MOSS  
60 RIVERSIDE COURT  
PITTSBURG, CA 94565*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 6, 2008 at San Francisco, California.

/s/ Kathy Tat  
KATHY P. TAT  
Legal Assistant