JOSEPH P. RUSSONIELLO (CSBN 44332) 1 **United States Attorney** 2 BRIAN J. STRETCH (CSBN 163973) Chief, Criminal Division 3 4 PATRICIA J. KENNEY (CSBN 130238) Assistant United States Attorney 5 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102-3495 6 Telephone: 415.436.6857 Facsimile: 415.436.6748 7 Attorneys for the United States of America 8 9 UNITED STATES DISTRICT COURT 10 NORTHERN DISTRICT OF CALIFORNIA 11 SAN FRANCISCO DIVISION 12 UNITED STATES OF AMERICA, 13 No. C 08-1654 VRW Plaintiff, 14 15 **AMENDED STIPULATION AND** 16 \$49,790 IN UNITED STATES ORDER RE: RESCHEDULING CURRENCY, 17 Defendant. 18 HERMAN KEESE, 19 Claimant. 20 21 22 23 24 25 26 27 28

irU

92 cdD

 On January 26, 2010, the undersigned filed a stipulation to which the parties had agreed on January 6, 2010 before the undersigned was out of the office for two weeks, but which stipulation was inadvertently not filed on January 6, 2010. Subsequently, counsel for claimant Herman Keese, David Michael, notified the undersigned that due to a change in his schedule that he will be out of the country on the date the parties initially suggested for a hearing (April 16, 2010). Accordingly, the parties are amending their stipulation submitted on January 26, 2010, and requesting that the dispositive motions be scheduled as follows:

4/09/10	last date for filing of dispositive motions;
4/23/10	oppositions to dispositive motions due to be filed;
4/30/10	replies in support of dispositive motions due to be filed; and
5/14/10	hearing on dispositive motions.

The parties stipulated, and the Court ordered, one previous rescheduling.

The United States has not yet had the opportunity to take the Court-supervised deposition of claimant Keese due to unavailability of Keese and his counsel until February. The Court will recall that the parties had a discovery dispute regarding claimant's deposition and certain oral objections and directions not to answer which claimant's counsel made. The dispute was resolved by an agreement to allow Keese to be re-deposed on a date when the Court was available in the courthouse so that the parties could call if they reached any impasses during the deposition which they could not resolve. Subject to the availability of the Court, the parties have agreed to complete claimant's deposition at the courthouse in the Office of the United States Attorney on February 10, 2010.¹

There are a number of reasons for the rescheduling the filing of dispositive motions. Although the parties have agreed on a date for the further court-ordered deposition of claimant Keese, claimant Keese had to cancel at the last moment a scheduled deposition last fall because of the hospitalization of his mother and his counsel, who was out of the country, was unable to reschedule that deposition until after January 22, 2010. In addition, the undersigned has had

¹ If the Court is unavailable on February 10, 2010, the parties have agreed that the deposition can be completed on one of the following days with their preferred dates stated in the order of their choice: 2/17, 2/18, 2/23 or 2/24.

1	some medical difficulties which precluded preparation of the motion on the initial January 28	
2	schedule and also was out of the country from January 11 until January 25, 2010.	
3		
4	IT IS SO STIPULATED: JOSEPH P. RUSSONIELLO Lucia d States A Marinese	
5	United States Attorney	
6	DATED: January <u>28</u> , 2010 <u>/s/</u>	
7	PATRICIA J. KENNEY Assistant United States Attorney	
8	Assistant Office States Attorney	
9	DATED 1 20 2010	
10	DATED: January 28, 2010 /s/ DAVID MICHAEL	
11	Attorney for Claimant Herman Keese	
12	IT IS SO ORDERED PURSUANT TO THE PARTIES' FOREGOING STIPULATION ON	
13	THIS 2nd DAY OF February , 2010. SPECIFICALLY, THE PARTIES ARE TO	
14	ADHERE TO THE FOLLOWING REVISED, STIPULATED SCHEDULE:	
15	4/09/10 LAST DATE FOR FILING OF DISPOSITIVE MOTIONS;	
16	4/23/10 OPPOSITIONS TO DISPOSITIVE MOTIONS DUE TO BE FILED;	
17	4/30/10 REPLIES IN SUPPORT OF DISPOSITIVE MOTIONS DUE TO BE	
18	FILED; AND	
19	+5/14/10 HEARING ON DISPOSITIVE MOTIONS 5/13/2010 at 10:00 AM.	
20	TES DISTRICTOR	
21	HONORABLE VANGHN R. WALKER Chief United States District Judge	
22		
23	IT IS SO ORDERED	
24		
25	Judge Vaughn R Walker	
	Judge vaug-	
26		

Amended Stip & Order Re: Rescheduling No. C 08-1654 VRW

27

28

PADISTRICTOR