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

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 \$49,790 IN UNITED STATES)
17 CURRENCY,)

18 Defendant.)

19 HERMAN KEESE,)

20 Claimant.)
21

No. C 08-1654 VRW

**AMENDED STIPULATION AND
ORDER RE: RESCHEDULING**

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

8	4/09/10	last date for filing of dispositive motions;
9	4/23/10	oppositions to dispositive motions due to be filed;
10	4/30/10	replies in support of dispositive motions due to be filed; and
11	5/14/10	hearing on dispositive motions.

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

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

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

27 ¹ If the Court is unavailable on February 10, 2010, the parties have agreed that the
28 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.

