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7 Attorneys for the United States of America

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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>	)	
		)	<b>No. C 08-2595 JCS</b>
13	<b>Plaintiff,</b>	)	
		)	<b>STIPULATION TO VACATE</b>
14	<b>v.</b>	)	<b>HEARING ON MOTION FOR</b>
		)	<b>SUMMARY JUDGMENT</b>
15		)	<b>AND REQUEST TO SCHEDULE</b>
16	<b>RICHARD D. LEE, et al.,</b>	)	<b>STATUS CONFERENCE</b>
		)	
17		)	
		)	<b>Date: January 22, 2010</b>
18	<b>Defendants.</b>	)	<b>Time: 1:30 p.m.</b>
		)	<b>Place: 15<sup>th</sup> Floor, Courtroom A</b>

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20 Plaintiff, United States of America and Defendant, Richard Lee (hereinafter, "Lee"),

21 hereby stipulate and agree, subject to the Court's approval, that the hearing on the Motion for

22 Summary Judgment, currently scheduled for January 22, 2010, be vacated and a status

23 conference be scheduled in its place on January 22, 2010, at 1:30 p.m. As grounds for this

24 request, the United States and Lee submit the following:

- 25 1. The United States and Defendant Richard Lee have entered into a settlement.
- 26 2. Richard Lee and the Franchise Tax Board have an installment agreement to pay
- 27 the State tax liability. However, in order to carry out the terms of the settlement with the United
- 28 States, Richard Lee must negotiate with the State of California, Franchise Tax Board, for

1 subordination of their tax lien.

2 3. Counsel for Richard Lee has been in discussions with the State of California and  
3 anticipates a resolution in the near future.

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Respectfully submitted,

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JOSEPH RUSSONIELLO  
United States Attorney

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Dated: December 8, 2009 :

/s/ Cynthia Stier  
CYNTHIA STIER  
Assistant U.S. Attorney

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Attorneys for the United States of America

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Dated: December 8, 2009 :

/s/ David Porter  
DAVID PORTER  
Wood & Porter, P.C.  
333 Sacramento Street  
San Francisco, CA 94111

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Attorney for Richard Lee

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**ORDER**

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For good cause shown, the hearing on the Motion for Summary Judgment, currently  
20 scheduled for January 22, 2010, at 1:30 p.m. is vacated and a status conference is scheduled on  
21 January 22, 2010 at 1:30 p.m. The parties are directed to file a case management statement by  
22 January 15, 2010. In addition, the Court orders:

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SO ORDERED this 9th day of December, 2009.

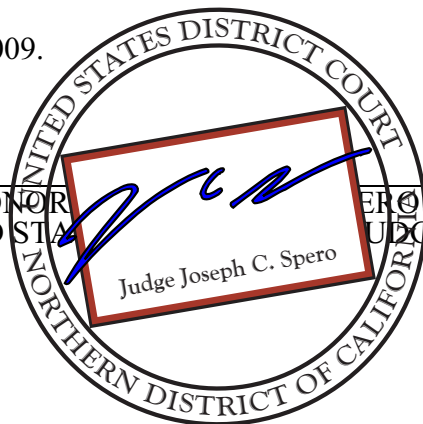
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Dated: December 9, 2009

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THE HONORABLE JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



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US v. Lee,  
Case No. C 08-2595 JCS  
Stip. To Vacate Hrg. on Mot.  
for Summary Judgment and  
Request for Status Conference