

1 Karen L. Hawkins (SBN 88601)
 Brett L. Gibbs (SBN 251000)
 2 Taggart & Hawkins P.C.
 1901 Harrison Street, Suite 1600
 3 Oakland, CA 94612-3501
 (510) 893-9999
 4

5 Attorneys for Douglas R. Caraway

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 7 IN THE UNITED STATES DISTRICT COURT FOR THE
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA,)	No. C-08-04371-MMC
)	
11 Plaintiff,)	ERRATA
)	
12)	STIPULATION AND REQUEST FOR
13 v.)	RESCHEDULING OF CASE
)	MANAGEMENT CONFERENCE ;
14 DOUGLAS R. CARAWAY, et al.)	ORDER
)	
15)	
16 Defendant.)	
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 18 Plaintiff United States of America and Defendants Douglas R. Caraway (“Caraway”),
 19 Franchise Tax Board (“FTB”), and Employment Development Department (“EDD”), through
 20 their respective counsel, stipulate and request that the case management conference, currently
 21 scheduled for February 13, 2009, at 10:30 a.m. in Courtroom 7, be rescheduled to April 17, 2009,
 22 at 10:30 a.m. in Courtroom 7.

23 The parties have met and conferred with respect to all issues in this case. Defendant
 24 Caraway has failed to file income tax returns with the state of California and with the Internal
 25 Revenue Service (“IRS”) for the years 1999 through and including 2004. Plaintiff United States
 26 prepared substitutes for returns (“SFR’s”) with respect to each of those years based upon income
 27 information available to it and made tax assessments pursuant to the SFR’s. Defendants FTB
 28 and EDD have recorded state tax liens against Defendant Caraway.

1 Defendant Caraway has secured the services of an income tax return preparer to prepare
2 tax returns for the years 1999 through 2004, inclusive for presentation to and examination by
3 both the IRS and FTB. The returns for 2000 and 2001 have been completed and show a
4 substantial reduction in taxes potentially owed to both agencies. Once the balance of the returns
5 can be prepared and reviewed, the parties believe modifications of the amounts of judgment
6 sought for unpaid tax liabilities can be made. Defendant Caraway will stipulate to the modified
7 tax liabilities and make arrangements with the tax authorities for payment.

8 The reason for rescheduling the February 13, 2009 Case Management Conference is to
9 allow additional time for Defendant Caraway's tax preparer to obtain necessary records and to
10 prepare the balance of the delinquent tax returns. For certain of the years, obtaining records
11 requires requesting copies of canceled checks from banks. This process is taking some time. In
12 addition, the preparer who has been retained by Defendant Caraway has obligations to other
13 clients to prepare and file 2008 income tax returns, thereby making it impossible for him to
14 devote 100% of his day to the returns for Caraway.

15
16 DATED: 2/6/09

/S/ David L. Denier

JOSEPH P. RUSSONIELLO
United States Attorney
DAVID L. DENIER
Assistant United States Attorney
Tax Division
Attorneys for Plaintiff United States of America

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24 DATED: 2/6/09

/S/ Karen L. Hawkins

TAGGART & HAWKINS P.C.
KAREN L. HAWKINS
Attorneys for Defendant Douglas R. Caraway

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DATED: 2/6/09

/S/ Karen W. Yiu
EDMUND G. BROWN JR.
Attorney General of California
JOYCE E. HEE
Supervising Deputy Attorney General
KAREN W. YIU
Deputy Attorney General
Attorneys for Defendants Franchise Tax Board
and Employment Development Department

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ORDER

PURSUANT TO STIPULATION, THE CASE MANAGEMENT CONFERENCE IN THIS
10
CASE SHALL BE RESCHEDULED FOR APRIL ~~17~~, 2009, 10:30 A.M., COURTROOM 7.
IT IS SO ORDERED.

Dated: February 6, 2009


UNITED STATES DISTRICT JUDGE