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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,	)	<b>No. C-08-04371-MMC</b>
	)	
11 Plaintiff,	)	
	)	
12	)	
13 v.	)	STIPULATION AND REQUEST FOR
	)	RESCHEDULING OF CASE
14	)	MANAGEMENT CONFERENCE;
DOUGLAS R. CARAWAY, et al.	)	ORDER THEREON
	)	
15	)	
16 Defendant.	)	
17 _____		

18  
 19 Plaintiff United States of America and Defendants Douglas R. Caraway (“Caraway”),  
 20 Franchise Tax Board (“FTB”), and Employment Development Department (“EDD”), through  
 21 their respective counsel, stipulate and request that the case management conference, currently  
 22 scheduled for July 10, 2009, at 10:30 a.m. in Courtroom 7, be rescheduled to October 9, 2009, at  
 23 10:30 a.m. in Courtroom 7.

24 The parties have met and conferred with respect to all issues in this case. Defendant  
 25 Caraway previously failed to file income tax returns with the state of California and with the  
 26 Internal Revenue Service (“IRS”) for the years 1998 (FTB only), and 1999 through and including  
 27 2004. Plaintiff United States prepared substitutes for returns (“SFR’s”) with respect to each of  
 28 those years based upon income information available to it, and made tax assessments pursuant to

1 the SFR's. Defendants FTB and EDD have recorded state tax liens against Defendant Caraway  
2 for tax liabilities believed to be due these two agencies.

3 Defendant Caraway has delivered California and federal income tax returns for the years  
4 1998 (FTB only), and 1999 through 2004, inclusive, to the Franchise Tax Board and the Internal  
5 Revenue Service, respectively. These returns were prepared by a paid tax preparer and show a  
6 substantial reduction in taxes that the agencies presently contend are owed. These returns are  
7 being reviewed by the examination divisions of the respective agencies, but the reviews have not  
8 yet been completed. As soon as the review process by the taxing agencies is completed, the  
9 parties believe appropriate modifications to the amounts of judgments sought for unpaid  
10 California and federal income tax liabilities can be made. The parties anticipate that at that date,  
11 Defendant Caraway will stipulate to the modified tax liabilities, and will make arrangements with  
12 the tax agencies for payment of the agreed liabilities.

13 A rescheduling the July 10, 2009 Case Management Conference will allow the tax  
14 examination divisions of the respective taxing agencies sufficient time to complete their  
15 respective reviews of the tax returns prepared by Defendant Caraway's tax preparer

16 DATED 6/30/09

/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

21 DATED: 6/30/09

/S/ William E. Taggart, Jr.  
\_\_\_\_\_  
TAGGART & HAWKINS P.C.  
William E. Taggart, Jr.  
Attorneys for Defendant Douglas R. Caraway

24 DATED: 6/30/09

/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  
CASE SHALL BE RESCHEDULED FOR October 9, 2009, 10:30 A.M., COURTROOM 7.  
IT IS SO ORDERED.

Dated: July 1, 2009



UNITED STATES DISTRICT JUDGE