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LAW OFFICE OF ALEX R. KESSEL
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Attorney for Claimant Kap S. Sims

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.
APPROXIMATELY \$ 57,378 IN
UNITED STATES CURRENCY
Defendant.

KAP S. SIMS,
Claimant.

NO. 08-CV-5023 WSA WHA
STIPULATION AND ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE

Date: February 12, 2009
Time: 11:00 a.m.
Place: Courtroom of
Honorable William Alsup,
U.S. District Court Judge

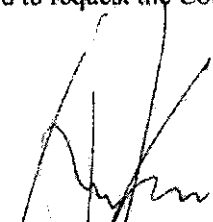
The parties stipulate, subject to the Court's approval, that the Case Management Conference date for defendants Claimant be continued until after the Court determines whether the instant case is related to *United States v. Earl Harrel Sims, II*, 08-CR-0443 MMC, filed on July 8, 2008, on the basis that both this case and the criminal case arise out of the same operative facts. Counsel in the criminal case are in the process of negotiating a plea agreement that would potentially settle the civil forfeiture action. After the Court determines
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whether to relate the cases, the parties intend to request the Court to stay the civil action based on 18 U.S.C. § 981(g).


IT IS SO STIPULATED:

DATED: February 11, 2009



ALEX R. KESSEL
Attorney for Claimant Kap S. Sims

DATED: February 11, 2009



PATRICIA J. KENNEY
Assistant United States
Attorney for UNITED STATES OF AMERICA

IT IS SO ORDERED:

HONORABLE WILLIAM A. ALSUP
United States District Judge

ORDER

The case management conference is CONTINUED to February 26, 2009, at 3:00 p.m.

Dated: February 12, 2009.

