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Attorneys for United States of America

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

13 UNITED STATES OF AMERICA,  
14 Plaintiff,

No. 08-5023 WHA

15 v.

STIPULATION AND ORDER  
CONTINUING CMC

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

18 KAP S. SIMS,  
19 Claimant.  
20

21  
22 For reasons explained below, the parties agree, subject to the Court's approval, that the  
23 case management conference be rescheduled after the court has ruled on the related case issue.

24 See Notice of Related Cases, filed February 11, 2009.

25 By order entered February 12, the Court rescheduled the case management conference for  
26 February 26, 2009. The undersigned Assistant United States Attorney, however, will be in South  
27 Carolina on business from February 23 through February 27, 2009, which was scheduled several  
28 months ago. Counsel for claimant has graciously agreed to accommodate the undersigned's

1 schedule by either taking the CMC temporarily off calendar or by rescheduling to the afternoon  
2 of March 5, 2009. Counsel for claimant is unavailable in the morning of March 5.

3 Under Federal Rules of Civil Procedure Rule 1, courts are to required to consider whether  
4 their actions will result in the "just, speedy, and inexpensive determination of every action and  
5 proceeding." If the cases are determined to be related, the court's general practice is to vacate all  
6 of the previously assigned judge's prior scheduling orders in an accommodation to the schedule  
7 of the newly assigned judge. If the court determines that the civil and criminal cases are related,  
8 then all previously scheduled matters will be taken off calendar and rescheduled. A primary  
9 purpose of the CMC is to set a schedule in a given case.

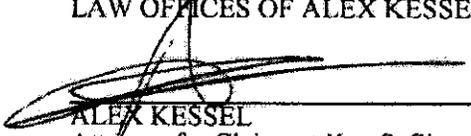
10 By rescheduling the CMC after the resolution of the related case issue and after the court  
11 and parties know whether all matters will be rescheduled, then expenses to claimant Sims' - who  
12 is not a wealthy woman - from the hours her counsel has to spend traveling from southern  
13 California and participating in a CMC may be saved as well as conserving the Court's and  
14 counsels resources.

15 IT IS SO STIPULATED:

17 Dated: February 12, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney  
  
PATRICIA J. KENNEY  
Assistant United States Attorney  
Attorney for the United States

22 Dated: February 12, 2009

LAW OFFICES OF ALEX KESSEL  
  
ALEX KESSEL  
Attorney for Claimant Kap S. Sims

24 PURSUANT TO THE FOREGOING STIPULATION IT IS SO ORDERED ON THIS \_\_\_\_\_  
25 DAY OF \_\_\_\_\_, 2009 The case management conference is CONTINUED to  
26 3/5/2009 at 3:00 p.m.

27 Dated: 2/17/2009.

HONORABLE WILLIAM S. ALSUP  
United States District Judge

28 Stip & Order  
No. 08-5023 WHA

