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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 UNITED STATES OF AMERICA, )  
14 Plaintiff, )  
15 v. )  
16 APPROXIMATELY \$8,800 IN )  
17 AMERICAN EXPRESS TRAVELERS' )  
18 CHECKS; AND ONE PENTAX 35mm )  
CAMERA, SERIAL NUMBER 1318242 )  
19 Defendant. )

No. 09-02308 WHA

CASE MANAGEMENT CONFERENCE  
STATEMENT AND ~~PROPOSED~~ ORDER TO  
STAY

20  
21 Plaintiff, United States of America, and claimant Gary Hardeman respectfully submit this Joint  
22 Case Management Statement.

23 **1. Jurisdiction and Service**

24 This Court has jurisdiction under Title 28, United States Code, Sections 1345 and  
25 1355(a); Title 18, United States Code, Section 981(a)(1)(A); Title 18, United States Code,  
26 Sections 2254; Title 18, United States Code, Section 2428. There are no counterclaims. Plaintiff  
27 has served notice of this action on all persons who may have an interest in the property, including  
28 the following: Claimant Gary Hardeman



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**6. Settlement**

Given the stay of this action necessitated by the pending criminal cases, it is too early to anticipate settlement with any accuracy.

**7. Discovery**

This is an in rem forfeiture case and is exempt from initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)(B)(ii). Given the stay of this action necessitated by the pending criminal cases, no discovery has occurred.

**8. Alternative Means of Disposition**

The parties would be amenable to the assignment of a settlement magistrate, after the resolution of the pending criminal cases.

**9. Related Cases**

This case is related to claimant’s pending criminal prosecution.

Dated: 12/08/11

/S/  
\_\_\_\_\_  
DANIEL PAUL BLANK  
Attorney for Claimant

Dated: 12/08/11

/S/  
\_\_\_\_\_  
DAVID B. COUNTRYMAN  
Assistant United States Attorney

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~~[PROPOSED]~~ ORDER TO STAY

Based upon claimant Gary Hardeman's request to continue the stay of the current forfeiture proceedings, the United States' non-opposition, and for good cause appearing, it is HEREBY ORDERED that the instant case be, and hereby is, STAYED, pursuant to 18 U.S.C. § 981(g) until a status conference can be held on April 12, 2012, at 11:00 a.m.

Please file a joint case management statement at least seven days prior.

SO ORDERED.

Dated: December 9, 2011.

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WILLIAM H. ALSUP  
United States District Judge

