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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)
19 CAMERA, SERIAL NUMBER 1318242)
Defendant.)

No. CV 09-2308 WHA

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

20
21 Plaintiff, United States of America, and claimant Gary Hardeman respectfully submit this
22 Joint 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,
28 including the following: Claimant Gary Hardeman.

1 case. Claimant Gary Hardeman seeks the return of the defendant property.

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3 **6. Settlement**

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

6 **7. Discovery**

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

10 **8. Alternative Means of Disposition**

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

13 **9. Related Cases**

14 This case is related to claimant's pending criminal prosecution.

15

16 Dated: 01/15/13

17 /S/ Daniel Paul Blank
18 DANIEL PAUL BLANK
19 Attorney for Claimant

20 Dated:01/15/13

21 /S/ David B. Countryman
22 DAVID B. COUNTRYMAN
23 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).

Pursuant to request of the parties and for good cause shown, this action will be “administratively closed” for purposes of the Civil Justice Reform Act reporting requirements until the resolution of *United States v. Hardeman*, 10-cr-00859. The parties shall file a status report herein no later than **FOURTEEN DAYS** after the resolution of the criminal action.

SO ORDERED.

Dated: January 15, 2013.



WILLIAM ALSUP
United States District Judge