

1 MELINDA HAAG (CSBN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

4 PATRICIA J. KENNEY (CSBN 130238)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495

7 Telephone: 415.436.6857
8 Facsimile: 415.436.6748

Attorneys for the United States of America

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
14)
15 Plaintiff,)
16 v.)
17 \$49,000 IN UNITED STATES)
18 CURRENCY,)
19 Defendant.)
20 _____)
21 JOSEPH MARASCO,)
22 Claimant.)
_____)

No. 12-CV-3973 MEJ

STIPULATION AND ORDER RE:
SCHEDULING OF CMC

23 The parties agree, subject to the Court's approval, that the case management conference
24 ("CMC") be rescheduled for September 5, 2013. Unless it is rescheduled, the CMC is currently set
25 for August 29, 2013.

26 The reason for the requested rescheduling is in order for (1) claimant to respond completely
27 and fully without objection and under oath by August 28, 2013, to all outstanding interrogatories and
28 requests for documents which the government served on him on March 1, 2013; and for (2) claimant

1 to provide by August 28, 2013, a verification for his responses to special interrogatories which he
2 served on the United States on September 19, 2012.

3 In their case management filed June 4, 2013, the parties agreed to resolve a discovery dispute
4 which arose because claimant failed to respond under oath to interrogatories and requests for
5 documents served on him on March 1, 2013. The parties agreed to have the Court order claimant
6 to respond on or before July 8, 2013 and to order that claimant waived his right to object to the
7 interrogatories and document requests. On June 5, 2013, the Court entered the parties' stipulated
8 order, and rescheduled the case management conference for August 29, 2013.

9 Claimant, who failed to comply with the Court order by responding on or before July 8, 2013,
10 still has not responded. When asked to meet and confer about claimant's failure's, counsel agreed
11 to meet on July 31, 2013. On July 31, 2013, before the meet and confer could take place, counsel
12 called to request another extension for claimant to respond to the interrogatories and documents
13 requests. According to his counsel, claimant is willing to respond fully, completely and under oath
14 to the pending interrogatories and requests for production of documents by August 28, 2013, and to
15 provide by August 28, 2013 the verification for responses to special interrogatories which claimant
16 served on the government on September 19, 2012.

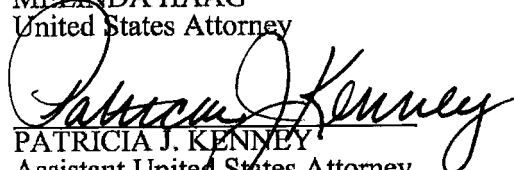
17 Although the government does not agree to an extension, the government submits that it
18 makes more sense for the Court to hold the CMC on September 5, 2013 which makes the parties'
19 joint case management statement due on August 29, 2013 – *after* claimant has provided full and

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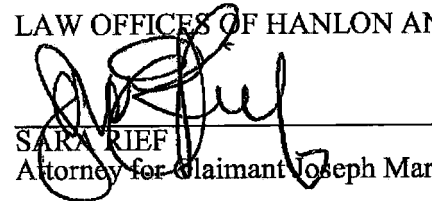
1 complete, verified answers to pending interrogatories and document requests and has provided the
2 verification for the special interrogatory responses which he served on September 9, 2013.

3 IT IS SO STIPULATED:


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5 *August 1,*
6 Dated: July 31, 2013

MELINDA HAAG
United States Attorney

PATRICIA J. KENNEY
Assistant United States Attorney
Attorneys for the United States

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8
9 Dated: July 31, 2013

LAW OFFICES OF HANLON AND RIEF

SARA RIEF
Attorney for Claimant Joseph Marasco

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11
12
13 Dated: July 31, 2013

LAW OFFICES OF JEFF WOZNIAK

JEFF WOZNIAK
Attorney for Claimant Joseph Marasco

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16 UPON CONSIDERATION OF THE PARTIES' STIPULATION, it is by the Court on this _____
17 day of August, 2013, ordered that the case management conference scheduled for August 29,
18 2013, is rescheduled for September 5, 2013 at 10:00 a.m. The parties shall file a joint case
19 management statement on or before August 29, 2013.

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HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge