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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 UNITED STATES OF AMERICA, )  
15 Plaintiff, )  
16 v. )  
17 THOMAS GROSSI, SR., )  
18 Defendant. )

No. 04-CR-40127 DLJ  
  
STIPULATION AND ORDER  
RE: SCHEDULING

19 UNITED STATES OF AMERICA, )  
20 Plaintiff, )  
21 v. )  
22 \$608,916.58 IN U.S. CURRENCY, AS )  
23 SUBSTITUTE *RES*, FOR REAL PROPERTY )  
24 LOCATED AT 2638 MARKET STREET, )  
25 OAKLAND, CALIFORNIA, )  
26 Defendant. )

No. 04-CV-03055 DLJ  
  
STIPULATION AND ORDER  
RE: SCHEDULING

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1 The parties agree to the rescheduling of plaintiff's motion to dismiss the attorney fees motion,  
2 as set forth below. The reason for the rescheduling is that the undersigned Assistant United States  
3 Attorney dislocated her shoulder and is having difficulty using a word processor. The parties agree,  
4 subject to the Court's approval, that the following schedule is adopted:

5 1. On or before October 11, 2012, the United States shall file its motion to dismiss the  
6 attorneys' fee motion for lack of jurisdiction;

7 2. On or before October 25, 2012, counsel for claimant will file its opposition to the  
8 motion of the United States;

9 3. On or before November 1, 2012, the United States will file its reply;

10 4. On November 15, 2012 at 9:00 a.m. in San Jose Courtroom 7, 4th Floor at 280 South  
11 First Street, San Jose, CA, the Court will hold a hearing on the fee motion.

12 5. If the Court rules against the United States on the jurisdictional issue, the parties shall  
13 hold an in person meet-and-confer within 20 days of that ruling to determine whether they can  
14 informally resolve the fee motion. If the fee motion cannot be resolved, then counsel for the United  
15 States will notice a motion for discovery on a 5-week schedule for determination before the Court  
16 considers the fee motion. Civ. L. R. 7-2; Fed. R. Crim. P. 32.2(c)(1).

17 \* \* \* \* \*

18 IT IS SO STIPULATED:

19 Dated: September 28, 2012

MELINDA HAAG  
United States Attorney

/s/  
PATRICIA J. KENNEY  
Assistant United States Attorney  
Attorneys for the United States of America

21  
22 Dated: September 28, 2012

LAW OFFICES OF DAVID M. MICHAEL  
/s/  
DAVID MICHAEL  
EDWARD M. BURCH  
LAW OFFICES OF DAVID M. MICHAEL  
Counsel for Defendant Thomas Grossi, Sr.,  
and Claimant/Petitioner Laurretta Weimer

25 IT IS SO ORDERED:

  
HONORABLE D. LOWELL JENSEN  
United States District Judge

28 Stip & Order Re: Sched. of US Mot. to Dism.  
CR 04-40127 DLJ  
CV 04-3055 DLJ