

1 MELINDA HAAG (CSBN 132612)  
United States Attorney

2 MIRANDA KANE (CSBN 150630)  
3 Chief, Criminal Division

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



5 450 Golden Gate Avenue  
6 San Francisco, CA 94102  
7 Telephone: 415.436.6857  
8 Facsimile: 415.436.7234  
Email: patricia.kenney@usdoj.gov

9 Attorneys for United States of America

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

27  
28

1 The parties agree to the rescheduling of plaintiff's motion to dismiss the attorney fees motion  
2 and the pending motion for attorneys fees. The reason for rescheduling is that counsel for claimant  
3 Grossi and petitioner Weimer have a scheduling problem involving depositions in a different judicial  
4 district. The parties agree, subject to the Court's approval, to the following schedule:

5 1. On or before October 25, 2012, the United States shall file its motion to dismiss the  
6 attorneys' fee motion for lack of jurisdiction;

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

9 3. On or before November 15, 2012, the United States will file its reply;

10 4. On November 29, 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: October 10, 2012


MELINDA HAAG  
United States Attorney

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

22 Dated: October 10, 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:

26   
\_\_\_\_\_  
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