

1 AWS ACQUISITIONS, LLC, by and)
 2 through MARY CHANDLER PETTY, a)
 3 Partner Other than the Tax Matters)
 Partner,)
 4)
 5)
 6)
 7)
 8)

Plaintiff,

v.

5 UNITED STATES OF AMERICA, by and)
 6 through its Agent, the INTERNAL)
 REVENUE SERVICE,)
 7)
 8)

Defendant.

9 This stipulation by and between the plaintiffs and the defendant is based on the
 10 following facts:

11 **RECITALS:**

12 1. On April 9, 2008, the Court denied the parties' joint motion to continue,
 13 and thereafter, on April 18, 2008, entered a case management order. Under the order,
 14 fact discovery concludes on October 15, 2008, expert discovery concludes on January
 15 30, 2009, dispositive motions are to be heard by March 26, 2009, and trial is scheduled
 16 for June 29, 2009.

17 2. After the Court denied the parties' motion to continue, discovery
 18 commenced and simultaneously plaintiffs and defendant continued to work towards
 19 settlement. Defendant served a document discovery request on plaintiffs. Plaintiffs
 20 responded, and defendant has written to plaintiffs regarding deficiencies defendant
 21 perceives in plaintiffs' response. Defendant served a subpoena for documents on a
 22 third party, to which a response was made in mid-August 2008. Defendant also
 23 obtained documents from KPMG.

24 In addition, the parties have continued efforts toward settlement. Plaintiffs have
 25 now filed with the IRS all the returns necessary for the Department of Justice to
 26 complete its evaluation of plaintiffs' offer to settle all issues in this case.

27 3. Because the deadline for completing fact discovery is less than two
 28 months away, defendant now intends to pursue extensive and costly discovery,

1 including moving to compel with respect to its first request for documents, and to take
2 multiple depositions of plaintiffs and third parties.

3 4. Both parties desire to avoid the substantial expenditure of resources and
4 effort attendant to defendant's intended course of discovery, because both believe
5 settlement is a real possibility and wish to devote their resources towards that end.

6 5. In order to provide sufficient time for the Department of Justice to
7 complete its evaluation of plaintiffs' offer and to finalize any settlement, the plaintiffs and
8 defendant have agreed that it would be in the best interests of the parties and this Court
9 to continue the schedule currently set forth in the case management order for
10 approximately four months.

11 **TERMS:**

12 The plaintiffs and the defendant agree:

13 The current schedule for the conduct of this case, set forth in Case Management
14 Order [Doc. #17], will be extended as follows:

15 Completion of Fact Discovery: February 15, 2009

16 Completion of Expert Discovery: May 30, 2009

17 All case-dispositive motions to be heard at 2:00 P.M. on or before:

18 July 30, 2009

19 The pre-trial exchange between the parties will occur by:

20 September 6, 2009

21 A pre-trial conference will be held on: October 6, 2009

22 A four-day Court Trial will begin at 8:30 A.M. on: October 26, 2009

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Respectfully Submitted,

FOR THE PLAINTIFFS

LGI LLP
Bradley A. Patterson, Esq.

Date: August 19, 2008

By s/Bradley A. Patterson
Bradley A. Patterson
Attorney for Plaintiffs

FOR THE UNITED STATES

UNITED STATES ATTORNEY
Joseph P. Russoniello , Esq.
Thomas Moore, Esq.
Cynthia Stier
Robert J. Higgins, Esq.
Bart D. Jeffress, Esq.

Date: August 20, 2008

By s/Robert J. Higgins
Robert J. Higgins
Attorneys for Defendant

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Date: 9/10, 2008

Claudia Wilken
The Honorable Claudia Wilken
United States District Court Judge