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Attorneys for Defendant United States of America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

28 AWS MANAGEMENT, LLC, by and
 through MARY CHANDLER PETTY, a
 Partner Other than the Tax Matters
 Partner,

Plaintiff,

v.

UNITED STATES OF AMERICA, by and
 through its Agent, the INTERNAL
 REVENUE SERVICE,

Defendant.

) Case No. 05-1056 CW
) Consolidated with Case No. 05-1058 CW
)
) STIPULATION AND ~~PROPOSED~~
) ORDER TO CONTINUE
) SETTLEMENT CONFERENCE

1 _____)
 2 AWS ACQUISITIONS, LLC, by and)
 3 through MARY CHANDLER PETTY, a)
 Partner Other than the Tax Matters)
 Partner,)
 4)
 Plaintiff,)
 5 v.)
 6 UNITED STATES OF AMERICA, by and)
 through its Agent, the INTERNAL)
 REVENUE SERVICE,)
 7)
 Defendant.)
 8 _____)

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

11 **RECITALS:**

12 1. On September 2, 2008, the parties filed a Stipulation and [Proposed]
 13 Order to Extend Discovery Schedule and Trial Date [Doc. #44], seeking extensions for
 14 completion of fact and expert discovery, filing of case-dispositive motions, pre-trial
 15 exchanges, pre-trial conference, and trial.

16 2. On September 10, 2008, the Court ordered the extensions pursuant to the
 17 parties' stipulation. See Stipulation and Order to Extend Discovery Schedule and Trial
 18 Date [Doc. #45].

19 3. The parties stipulation [Doc. #44] omitted a stipulation for extending a
 20 settlement conference before a Magistrate Judge, which the Court's Case Management
 21 Order [Doc. #41] currently requires must be held by November 26, 2008.

22 4. The parties' efforts towards settlement are continuing and no breakdown
 23 of communication or impasse has yet occurred. Accordingly, the parties believe there is
 24 no need for a settlement conference to be held by November 26, 2008.

25 **TERMS:**

26 The plaintiffs and the defendant agree:

27 The current requirement that a settlement conference be held before a
 28 Magistrate Judge by November 26, 2008, set forth in Case Management Order [Doc.

1 #41], will be extended to require that such conference must be held before March 30,
2 2009.

3 Respectfully Submitted,

4 FOR THE PLAINTIFFS

5 LGI LLP
6 Bradley A. Patterson, Esq.


7 Date: October 29, 2008 By s/Bradley A. Patterson
8 Bradley A. Patterson
9 Attorney for Plaintiffs

9 FOR THE UNITED STATES

10 UNITED STATES ATTORNEY
11 Joseph P. Russoniello , Esq.
12 Thomas Moore, Esq.
13 Cynthia Stier
14 Robert J. Higgins, Esq.
15 Bart D. Jeffress, Esq.

14 Date: October 29, 2008 By s/Robert J. Higgins
15 Robert J. Higgins
16 Attorneys for Defendant

20 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

21 Date: 10/31, 2008 
22 _____
23 The Honorable Claudia Wilken