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16 Attorneys for Defendant United States of America

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

19
 20 AWS MANAGEMENT, LLC, by and
 through MARY CHANDLER PETTY, a
 21 Partner Other than the Tax Matters
 Partner,

22 Plaintiff,

23 v.

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

26 Defendant.

) Case No. 05-1056 CW
) Consolidated with Case No. 05-1058 CW
)

) SECOND STIPULATION AND
) ~~PROPOSED~~ ORDER TO EXTEND
) DISCOVERY SCHEDULE AND TRIAL
) DATE
)

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

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

11 **RECITALS:**

12 1. On September 2, 2008, the parties filed a stipulation (Document 44)
 13 (i) notifying this Court that, after the Court denied the parties' motion to continue in April
 14 2008, the parties had continued to work towards settlement and defendant had
 15 conducted paper discovery and (ii) requesting that this Court continue discovery and
 16 trial deadlines, to avoid the substantial expenditure of resources and effort attendant to
 17 defendant's intended course of discovery and to allow time for the Department of
 18 Justice to complete its evaluation of plaintiffs' offer and to finalize any settlement.

19 2. On September 10, 2008, this Court issued an order (Document 45)
 20 approving the stipulation to continue discovery and trial deadlines, and set the following
 21 revised calendar in this action:

- 22 Completion of Fact Discovery: February 15, 2009
- 23 Completion of Expert Discovery: May 30, 2009
- 24 All case-dispositive motions to be heard at 2:00 P.M. on or before:
- 25 July 30, 2009

26 The pre-trial exchange between the parties will occur by:
 27 September 6, 2009

28

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

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

3 3. On October 31, 2008, after the parties filed a stipulation requesting the
4 Court continue a settlement conference before a Magistrate Judge (Document 46), this
5 Court issued an order (Document 47) approving the stipulation and ordering that a
6 settlement conference be held before a Magistrate Judge before March 30, 2009.

7 4. Both parties continue to believe that settlement is a real possibility and
8 continue to work diligently towards a final action by the Department of Justice on
9 plaintiffs' offer to settle all issues in this case. Settlement efforts are continuing and no
10 breakdown of communication or impasse has yet occurred.

11 5. The parties appreciate the Court's patience as the parties work to finalize
12 the settlement and request an extension of an additional four months for fact discovery
13 and corresponding extensions.

14 **TERMS:**

15 Based on these facts, the plaintiffs and the defendant agree to the following
16 schedule:

17 Completion of Fact Discovery: June 15, 2009

18 Settlement Conference before a Magistrate Judge on or before:
19 July 17, 2009

20 Completion of Expert Discovery: October 16, 2009

21 All case-dispositive motions to be heard at 2:00 P.M. on or before:
22 December 17, 2009

23 The pre-trial exchange between the parties will occur by:
24 March 17, 2010

25 A pre-trial conference will be held on: April 20, 2010

26 A four-day Court Trial will begin at 8:30 A.M. on: May 10, 2010

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Respectfully Submitted,

FOR THE PLAINTIFFS

LGI LLP
Bradley A. Patterson, Esq.

Date: February 2, 2009

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, Esq.
Robert J. Higgins, Esq.
Bart D. Jeffress, Esq.

Date: February 2, 2009

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

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Date: 2/4, 2009



The Honorable Claudia Wilken