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10	450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-7017 Facsimile: (415) 436-6748 ROBERT J. HIGGINS (DCBN 242966) Trial Attorney, U.S. Department of Justice			
11				
12				
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17	Attorneys for Defendant United States of An	nerica		
18	UNITED STATES DISTRICT COURT			
19	NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION			
20				
21	AWS MANAGEMENT, LLC, by and	Case No. 05-1056 CW		
22	through MARY CHANDLER PETTY, a Partner Other than the Tax Matters	Consolidated with Case No. 05-1058 CW		
23	Partner,			
24	Plaintiff, v.	THIRD STIPULATION AND ORDER TO		
25	UNITED STATES OF AMERICA, by and	EXTEND DISCOVERY SCHEDULE, SETTLEMENT CONFERENCE, AND		
26	through its Agent, the INTERNAL REVENUE SERVICE,	TRIAL DATE		
27	Defendant.			
28				

1 2	AWS ACQUISITIONS, LLC, by and) through MARY CHANDLER PETTY, a) Partner Other than the Tax Matters) Partner,)		
3)		
4	Plaintiff,) v.		
5	UNITED STATES OF AMERICA, by and		
6	through its Agent, the INTERNAL () REVENUE SERVICE, ()		
7	Defendant.		
8	<i>)</i>		
9	This stipulation is entered into by and between the plaintiffs and the defendant		
10	and is based on the following facts:		
11	1. Plaintiffs have submitted a written settlement offer to defendant offering to		
12	settle all issues in this action. The Department of Justice, in concert with the Internal		
13	Revenue Service, is in the process of evaluating that settlement offer under its normal		
14	procedures.		
15	2. On February 2, 2009, the parties filed a stipulation (Document 49):		
16	(I) notifying this Court that the parties were continuing to work towards settlement; and		
17	(ii) requesting that this Court continue discovery and trial deadlines to avoid the		
18	substantial expenditure of resources and effort attendant to defendant's intended course		
19	of discovery and to allow time for the Department of Justice to complete its evaluation of		
20	plaintiffs' offer and to finalize any settlement.		
21	2. On February 4, 2009, this Court issued an order (Document 50) approving		
22	the stipulation to continue discovery and trial deadlines, and set the following revised		
23	calendar in this action:		
24	Completion of Fact Discovery: June 15, 2009		
25	Mandatory Settlement Conference on: July 17, 2009		
26	Completion of Expert Discovery: October 16, 2009		
27	Case-dispositive motions to be heard at 2:00 P.M. on: December 17, 2009		
28	The pre-trial exchange between the parties will occur by: March 17, 2010		

1	A pre-trial conference will be held on: April 20, 2010		
2	A four-day Court Trial will begin at 8:30 A.M. on: May 10, 2010		
3	3. Notice from the Court's Clerk (Document 51) set the Mandatory		
4	Settlement Conference on June 23, 2009;		
5	4. All parties continue to believe that settlement is likely and continue to work		
6	diligently toward a final action by the Department of Justice on plaintiffs' offer to settle all		
7	issues in this case. Settlement efforts are continuing and there has been no breakdown		
8	of communications and no impasse has arisen.		
9	6. The parties appreciate the Court's patience as the parties work to finalize		
10	the settlement. The parties believe that requiring the parties to prepare for trial would		
11	be counterproductive to reaching a settlement in this action.		
12	7. Based on the facts presented, the plaintiffs and the defendant request an		
13	extension of an additional four months for each of the existing deadlines.		
14	Respectfully Submitted,		
15	FOR THE PLAINTIFFS		
16	LGI LLP Bradley A. Patterson, Esq.		
17	Bradiey A. Tallerson, Esq.		
18	Date: June 4, 2009 By_s/Bradley A. Patterson Bradley A. Patterson		
19	Attorney for Plaintiffs		
20	FOR THE UNITED STATES		
21	UNITED STATES ATTORNEY		
22	Joseph P. Russoniello , Esq. Thomas Moore, Esq.		
23	Cynthia Stier, Esq. Robert J. Higgins, Esq.		
24	Bart D. Jeffress, Esq.		
25	Date: June 4, 2009 By s/Robert J. Higgins		
26	Robert J. Higgins Attorneys for Defendant		
27	Attorneys for Defendant		
28			

1	ORDER		
2	Based on the facts and stipulation set forth above,		
3	IT IS	IT IS ORDERED:	
4	1.	Fact Discovery shall be completed on or before: October 15, 2009;	
5	2.	A Mandatory Settlement Conference shall be conducted before a	
6	Magistrate Judge no later than November 17, 2009, at the convenience of the		
7	Magistrate Judge's calendar;		
8	3.	Expert Discovery shall be completed on or before: February 16, 2010;	
9	4.	All case-dispositive motions and a further case management conference	
10	shall be hea	nall be heard at 2:00 P.M. on April 8, 2010;	
11	5.	The pre-trial exchange between the parties shall occur in accordance with	
12	the Court's (Order for Pretrial Preparation.	
13	6.	A pre-trial conference will be held on: October 26, 2010, at 2:00 P.M.; and	
14	7.	A four-day Court Trial will begin at 8:30 A.M. on: November 15, 2010.	
15	6/10	O	
16		Claudielvillen	
17	Date:	, 2009The Honorable Claudia Wilken	
18		United States District Court Judge	
19			
20			
21			