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 18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

<p>21 AWS MANAGEMENT, LLC, by and through MARY CHANDLER PETTY, a 22 Partner Other than the Tax Matters Partner, 23 Plaintiff, 24 v. 25 UNITED STATES OF AMERICA, by and through its Agent, the INTERNAL 26 REVENUE SERVICE, 27 Defendant. 28</p>	<p>) Case No. 05-1056 CW) Consolidated with Case No. 05-1058 CW)) SEVENTH STIPULATION AND ORDER) TO EXTEND DISCOVERY SCHEDULE,) SETTLEMENT CONFERENCE, AND) TRIAL DATE</p>
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1 AWS ACQUISITIONS, LLC, by and)
 through MARY CHANDLER PETTY, a)
 2 Partner Other than the Tax Matters)
 Partner,)
 3)
 Plaintiff,)
 4 v.)
 5 UNITED STATES OF AMERICA, by and)
 through its Agent, the INTERNAL)
 6 REVENUE SERVICE,)
 7 Defendant.)
 _____)

8
 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 submitted their first written settlement offer to defendant offering
 12 to settle all issues in this action on August 2, 2006. The Department of Justice, in
 13 concert with the Internal Revenue Service, evaluated that settlement offer under its
 14 normal procedures. A revised offer was submitted on May 19, 2010. Since that time,
 15 plaintiff and defendant have continued to work on the offer, and plaintiff intends to
 16 submit another revised offer in early October.

17 2. On May 21, 2010, the parties filed a stipulation (Document 64): (i) notifying
 18 this Court that the parties were continuing to work towards settlement; and (ii)
 19 requesting that this Court continue discovery and trial deadlines to allow the parties to
 20 work towards finalizing a settlement without simultaneously preparing for trial.

21 3. On May 27, 2010, this Court issued an order (Document 65) 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: on or before October 15, 2010
- 25 Mandatory Settlement Conference no later than: November 19, 2010
- 26 Completion of Expert Discovery: on or before February 18, 2011
- 27 Case-dispositive motions and a further case management conference:
 28 2:00 P.M. on April 14, 2001

1 The pre-trial exchange between the parties: pursuant to Court's Order for Pretrial
2 Preparation

3 A pre-trial conference on: November 1, 2011, at 2:00 P.M.

4 A four-day Court Trial beginning at 8:30 A.M. on: November 14, 2011

5 4. On June 10, 2010, the parties filed a stipulation (Document 66), notifying
6 the Court that the settlement conference scheduled for July 9, 2010, had been
7 rescheduled for October 19, 2010.

8 5. Since the last stipulation, defendant sought and obtained the IRS' views
9 on plaintiffs' revised offer, and the parties continued to discuss the terms of the revised
10 offer, including discussions regarding plaintiffs' computations of tax liability. As a result
11 of the continued negotiations, plaintiffs are now preparing to submit another revised
12 offer. Plaintiffs anticipate that this offer will be submitted on or before October 1, 2010.

13 6. The parties continue to believe that settlement is likely and are working
14 diligently towards a final action by the Department of Justice on plaintiffs' efforts to settle
15 all issues in this case. Settlement efforts are continuing and there has been no
16 breakdown of communications and no impasse has arisen.

17 7. The parties appreciate the Court's patience as the parties work to finalize
18 the settlement. The parties believe that requiring the parties to prepare for settlement
19 conferences or trial would be counterproductive to reaching a settlement in this action.

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8. Based on the facts presented, the plaintiffs and the defendant request an extension of an additional four months for each of the existing deadlines.

Respectfully Submitted,

FOR THE PLAINTIFFS

LGI LLP
Bradley A. Patterson, Esq.

Date: September 27, 2010

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: September 27, 2010

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

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ORDER

Based on the facts and stipulation set forth above,

IT IS ORDERED:

- 1. Fact Discovery shall be completed on or before: February 15, 2011;
- 2. A Mandatory Settlement Conference shall be conducted before Magistrate Judge Maria-Elena James no later than October 19, 2010, at the convenience of Magistrate James' calendar;
- 3. Expert Discovery shall be completed on or before: June 20, 2011;
- 4. All case-dispositive motions and a further case management conference shall be heard at 2:00 P.M. on August 11, 2011;
- 5. The pre-trial exchange between the parties shall occur in accordance with the Court's Order for Pretrial Preparation.
- 6. A pre-trial conference will be held on: November 1, 2011, at 2:00 P.M.;
- and
- 7. A four-day Court Trial will begin at 8:30 A.M. on: November 14, 2011.

Date: October 6, 2010



The Honorable Claudia Wilken
United States District Court Judge