

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 2 THOMAS MOORE (ASBN 4305-O78T)
 Assistant United States Attorney
 3 Chief, Tax Division
 CYNTHIA STIER (DCBN 423256)
 4 Assistant United States Attorney
 9th Floor Federal Building
 5 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 6 Telephone: (415) 436-7000

7 Attorneys for United States of America

8

9 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

12 **UNITED STATES OF AMERICA,**)

13 **Plaintiff,**)

14 **v.**)

15 **LOUIS G. BEARY, et al.,**)

16)
17 **Defendants.**)

No. C06-5838 PJH

**STIPULATION TO RESCHEDULE
CASE MANAGEMENT
CONFERENCE AND
[PROPOSED] ORDER**

**Date: December 10, 2009
Time: 2:30 p.m.
Place: Federal Building
San Francisco
17th Floor
Courtroom 3**

21

22 The parties hereby stipulate and agree, subject to the Court's approval, to the following:

23 The parties to this action, by and through their counsel, respectfully request that the
 24 Court continue the Case Management Conference currently scheduled for August 13, 2009 at
 25 2:30 p.m. to December 10, 2009 at 2:30 p.m., or such other date as the Court orders. The parties
 26 have a settlement structure in place through settlement conferences with Magistrate Hon. Maria-
 27 Elena James. Defendant, Kimberley Beary is in the process of selling the real property which is
 28 the subject of the action. The property is under contract to be sold and the parties have agreed to

1 place the proceeds from the sale in an escrow account subject to settlement agreement or further
2 order of the court. It is anticipated that escrow will close at the end of September, and that
3 distribution of the proceeds will occur pursuant to settlement agreement which will be facilitated
4 by further settlement conference with Magistrate James. The additional time will allow the
5 escrow to close and present the opportunity for the remainder of the settlement to be agreed upon
6 and executed

7 IT IS SO STIPULATED:

8 Respectfully submitted,

9 JOSEPH RUSSONIELLO
10 United States Attorney

11 Dated: 8/10/09 :

12 /s/ Cynthia Stier
13 CYNTHIA STIER
14 Assistant U.S. Attorney
15 Attorneys for the United States of America

16 Dated: 8/7/09 :

17 /s/ Karen Yiu
18 KAREN W. YIU
19 California Attorney General's Office
20 Attorney for State of CA Franchise Tax Board
21 and Employment Development Department

22 Dated: : 8/10/09 :

23 /s/
24 RICHARD CHARLES O'HARE
25 Beyers Costin
26 200 Fourth Street, Suite 400
27 P.O. Box 878
28 Santa Rosa, California 95402
Attorney for Lois Rust

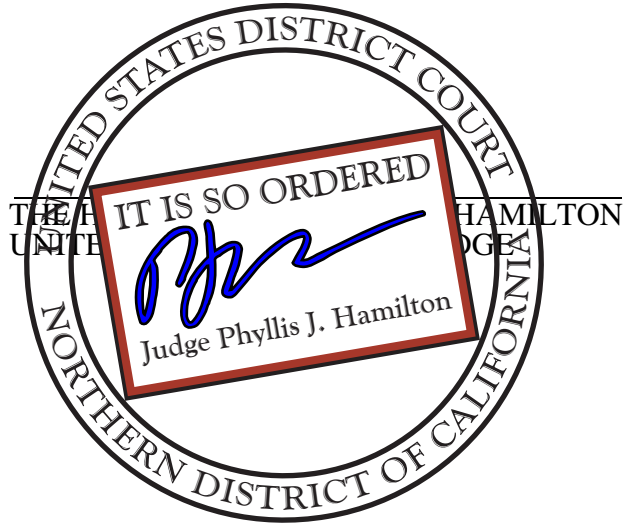
29 Dated: : 8/10/09 :

30 /s/
31 PETER CHURCHILL
32 1682 Novato Blvd.
33 Suite 350 Novato, CA 94947
34 Attorney for Kimberley Beary

35 US v. Beary, et al., Case No.06-5838-PJH
36 Stipulation to Reschedule
37 Case Mgmt. Conf. and
38 [Proposed] Order

1 SO ORDERED:
2
3
4

5 Dated: 8/12/09 _____
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27



28 US v. Beary, et al., Case No.06-5838-PJH
Stipulation to Reschedule
Case Mgmt. Conf. and
[Proposed] Order