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13 IN THE UNITED STATES DISTRICT COURT FOR THE  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

15 UNITED STATES	)	
	)	
16 Plaintiff,	)	
	)	
17 v.	)	Civil No. 07-4762-PJH
	)	
18 CHARLES CATHCART <i>et al.</i>	)	STIPULATION AND
	)	ORDER MODIFYING
19	)	CASE MANAGEMENT AND
20 Defendants.	)	<u>PRETRIAL ORDER</u>

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 22  
 23 Plaintiff UNITED STATES OF AMERICA, and Defendants CHARLES  
 24 CARTCART, SCOTT CATHCART, YURIJ DEBEVC (aka YURI DEBEVC), and  
 25 ROBERT NAGY, (collectively, the “Parties”) hereby stipulate and agree that the  
 26 following Order should be entered in this case.  
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1 The above named Parties also have consulted with Edward Ord, counsel for  
2 OPTECH LIMITED, and CHI-HSIU HSIN (aka CHARLES HSIN). Despite the passage  
3 of three weeks since the Court ordered the Parties to submit a Stipulation and proposed  
4 Order concerning the new discovery dates, and as further set forth in the attached  
5 Declaration of Nathan E. Clukey, neither Mr. Ord nor his clients have consented to the  
6 discovery dates proposed herein.  
7

8 **I. RECITALS**

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10 By way of a Case Management and Pretrial Order, dated January 4, 2008, this  
11 Court set the following deadlines and trial date: (a) expert disclosure date of August 20,  
12 2008; (b) non-expert discovery cut-off of September 3, 2008; (c) expert discovery cut-off  
13 of October 1, 2008; and (d) deadline to hear dispositive motions of November 19, 2008;  
14 and (e) trial date of March 23, 2009.

15 On September 4, 2008, Defendants Optech Limited and Chi-Hsiu Hsin filed an  
16 Administrative Motion to Continue the Trial Date and All Associated Deadlines, which  
17 sought a continuance of the trial date and related pre-trial deadlines. On September 5,  
18 2008, Defendant Robert J. Nagy also filed an Administrative Motion to Continue the  
19 Trial Date and All Associated Deadlines, which sought a continuance of the trial date and  
20 related pre-trial deadlines.

21 On September 10, 2008, at a hearing on other motions pending before the Court,  
22 the Court addressed the two administrative motions before it and ordered as follows: that  
23 the trial date shall be continued to October 19, 2009; that the last day for hearing of any  
24 dispositive motion shall be continued to June 24, 2009; that the pre-trial conference shall  
25 be continued to September 24, 2009; and that the parties shall meet and confer to reach a  
26 stipulation regarding other pre-trial deadlines and then file a stipulation reflecting the  
27

1 agreed upon pre-trial deadlines and the dates ordered by the court.  
2

3 **II. STIPULATION**

4 The parties hereby stipulate to the following:

- 5 • Expert disclosures shall take place on or before April 20, 2009.
  - 6 • Non-expert discovery shall be completed on or before May 20, 2009.
  - 7 • Expert discovery shall be completed on or before July 20, 2009.
- 8  
9

10 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.  
11

12  
13 DATED: September 11, 2008

THE UNITED STATES

14  
15 By: /S/ Nathan E. Clukey

16 NATHAN E. CLUKEY  
17 Trial Attorney, Tax Division  
18 Attorney for Plaintiff UNITED STATES  
OF AMERICA

19 DATED: September 10, 2008

JENKINS GOODMAN NEUMAN &  
HAMILTON LLP

20  
21 By: /S/ Farley J. Neuman

22 FARLEY J. NEUMAN  
23 Attorney for Defendant ROBERT J.  
24 NAGY  
25  
26  
27  
28

1 DATED: September 26, 2008 CAPLIN & DRYSDALE

2 /S/ Matthew C. Hicks

3  
4 DANIEL B. ROSENBAUM, *pro hac vice*  
5 MATTHEW C. HICKS, *pro hac vice*  
6 Attorneys for Defendant SCOTT  
7 CATHCART

8 DATED: September 10, 2008 BARTSCH & WEBB

9 /S/ Eric L. Webb

10 ERIC L. WEBB  
11 Attorney for Defendant CHARLES  
12 CATHCART

13  
14 DATED: October 1, 2008.

15 Respectfully submitted,

16 JOSEPH P. RUSSONIELLO  
17 United States Attorney

18  
19 /S/ Nathan E. Clukey

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**III. ORDER**

Good cause appearing, the Court hereby adopts the stipulation of the parties and hereby modifies its Case Management and Pretrial Order, dated January 4, 2008, as follows:

- Expert disclosures shall take place on or before April 20, 2009.
  - Non-expert discovery shall be completed on or before May 20, 2009.
  - The last day for hearing of any dispositive motion shall be June 24, 2009;
  - Expert discovery shall be completed on or before July 20, 2009.
  - Pre-trial Conference shall take place on September 24, 2009 at 2:30 p.m.;
- and
- Trial shall commence October 19, 2009 at 8:30 a.m.

**IT IS SO ORDERED.**

DATED: 10/3/08

