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IN THE UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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UNITED STATES OF AMERICA,

Case No. C 07 4762 PJH

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Plaintiff,

DISCOVERY MATTER

14

vs.

**STIPULATION AND ORDER TO
 WAIVE REQUIREMENT TO MEET
 AND CONFER IN PERSON**

15

CHARLES CARTCART, et al.,

16

Defendants.

ASSIGNED FOR ALL DISCOVERY
 MATTERS TO MAGISTRATE JUDGE
 SPERO BY ORDER DATED 11/19/2008

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Trial: October 19, 2009

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Plaintiff UNITED STATES OF AMERICA and Defendant ROBERT NAGY hereby
 stipulate and agree to the following and respectfully request that the accompanying
 proposed order be entered in this case.

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 Neuman & Hamilton
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1 **1. RECITALS**

2 1.1 By way of a “Notice of Preference, Time and Place of Hearing” dated
3 November 26, 2008, this Court issued an order (hereinafter “the Order”) requiring that all
4 further motions to compel must be preceded by a face-to-face meeting between lead trial
5 counsel for the subject parties.

6 1.2 On September 17 and September 24, 2008, prior to the issuance of the Order,
7 Nathan E. Clukey, counsel for Plaintiff, and Farley J. Neuman, and counsel for defendant
8 Robert Nagy, met and conferred extensively via telephone regarding Defendant Nagy’s
9 desire to take the depositions of Internal Revenue Service (“IRS”) employees Marie Allen,
10 Ronald Cunningham and Mary Socks. This is memorialized in the attached letters and
11 email correspondence, some of which detail Defendant Nagy’s position as well as that of
12 Plaintiff. Despite these efforts, counsel were unable to reach an agreement concerning the
13 depositions of IRS employees in this litigation.

14 1.3 Currently pending before this court is Defendant Nagy’s Motion to Compel
15 Discovery Responses from Plaintiff United States (“Responses Motion”). A hearing on
16 that motion is scheduled for February 6, 2009 at 9:30 a.m. Mr. Nagy today has filed a
17 Motion to Compel Depositions of the aforementioned IRS personnel (“Deposition
18 Motion”). Many of the legal issues raised in Mr. Nagy’s Responses Motion are identical
19 to the issues that he now raises in his Deposition Motion. Accordingly, the parties believe
20 that simultaneous consideration of both motions will promote the interests of judicial
21 economy and efficiency.

22 1.4 The parties have addressed these issues extensively and do not expect that
23 any further meet and confer would be fruitful. Mr. Neuman’s office is located in San
24 Francisco, California, and Mr. Clukey is based out of Washington, D.C. If the Court
25 requires the parties to meet and confer in person, the Deposition Motion will have to be
26 heard at a separate, later date due to time constraints and present conflicts.

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2 **2. STIPULATION**

3 By stipulation, the parties hereby respectfully request that the Court waive its
4 requirement that the parties meet and confer in person regarding the issue of whether
5 Defendant Nagy can take the depositions of IRS employees Marie Allen, Ronald
6 Cunningham and Mary Socks.

7 The parties also respectfully request that the Court consider Nagy's Deposition
8 Motion at the same time as his currently pending Responses Motion, which is set for a
9 hearing on February 6, 2009 at 9:30 a.m. Because the legal grounds for both motions are
10 largely the same, this would serve the interests of judicial economy and convenience for all
11 involved, as both discovery disputes would be addressed at one hearing.

12 If the Court requires the parties to meet and confer in person, the subject Deposition
13 Motion will have to be heard at a later date due to time constraints and present conflicts.

14 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.**

15 DATED: December 22, 2008

JENKINS GOODMAN NEUMAN &
HAMILTON LLP

17 By: /S/ Farley J. Neuman

18 FARLEY J. NEUMAN

Attorneys for Defendant ROBERT J. NAGY

19
20 DATED: December 22, 2008

THE UNITED STATES

21
22 By: /S/ Nathan E. Cluckey

NATHAN E. CLUCKEY

23 Trial Attorney, Tax Division

24 Attorneys for Plaintiff UNITED STATES OF
AMERICA

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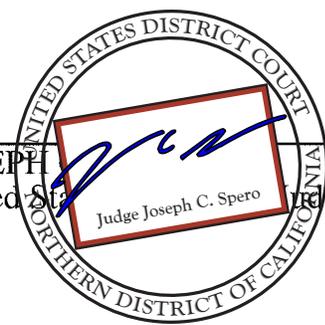
ORDER

Good cause appearing, the Court hereby waives its requirement that the parties meet and confer in person regarding the issue of whether Defendant Nagy can take the depositions of IRS employees Marie Allen, Ronald Cunningham and Mary Socks. Furthermore, Defendant Nagy's motion to compel the subject depositions shall be heard at the same time as his currently pending Motion to Compel Discovery Responses from Plaintiff United States of America, which is set for February 6, 2009 at 9:30 a.m.

IT IS SO ORDERED.

DATED: 1/05/09

JOSEPH
United States
Judge Joseph C. Spero
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