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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 MISCELLANEOUS FIREARMS,)
17 SILENCERS AND AMMUNITION,)
18 Defendant.)

No. C 03-1920 RMW
**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING STAY AND VACATING CASE
MANAGEMENT CONFERENCE**

19 Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through
20 undersigned counsel, hereby apply to the Court for a further order extending the stay of this
21 matter and vacating the case management conference currently scheduled for September 26,
22 2008. In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and
23 ammunition alleged to have been illegally possessed by Kevin Dugan. As reported in the
24 previous request for an extension staying this action, Dugan is a prospective claimant in this
25 action,¹ which is based, in large part, on the allegations at issue in the pending criminal action
26 (United States v. Kevin Dugan, CR 03-20010 RMW). The Court has previously entered orders
27 staying this matter pending resolution of the ongoing criminal proceeding. A review of the
28 criminal docket sheet reflects that there is a pending motion for a new trial scheduled to be heard

¹Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to so.

1 on October 14, 2008. In addition, Kevin Dugan is scheduled be sentenced on November 3, 2008.
2 Thus, the factual predicate for entry of the stay has not changed. Accordingly, the parties hereby
3 request that the Court extend the stay in this matter and continue the case management
4 conference until Friday, November 14, 2008, or a date convenient for the Court.
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6 Dated: 9/25/08

Respectfully submitted,

7 JOSEPH P. RUSSONIELLO
8 United States Attorney



9 ~~STEPHANIE M. HINDS~~
10 Assistant United States Attorney

11
12 Dated: 9/25/08



13 DANIEL HALPERN
14 Attorney for Prospective Claimant Kevin Dugan

15 **PROPOSED ORDER**

16 Upon consideration of the above stipulation, the Court hereby orders that this matter be
17 stayed pursuant to 18 U.S.C. § 981(g)(1) and (2) until the conclusion of the related criminal case,
18 CR 03-20010 RMW. The case management conference currently scheduled for September 26,
19 2008 is vacated. The matter is continued for further status until November 14, 2008.

20 IT IS SO ORDERED.

21 Dated: 9/25/08



22 RONALD M. WHYTE
23 United States District Judge
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