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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

United States of America,

NO. C 06-03278 JW

Plaintiff,  
v.

**ORDER FOR SUPPLEMENTAL  
BRIEFING FROM THE GOVERNMENT**


Approximately \$133,021 in Funds Seized  
From Four Accounts Held in the Name of  
Pong Lin Liu, et al.,

Defendants.

Presently before the Court is the government’s Motion for Summary Judgment.<sup>1</sup> Upon review, the Court finds that it would benefit from supplemental briefing by the government. In particular, it appears the Requests for Admissions on which the government relies in its Motion were served on Claimants Pong Lin Liu and Lillian Liu, but not Claimants’ counsel.<sup>2</sup> Federal Rule of Civil Procedure 5(b)(1) provides that: “if a party is represented by an attorney, service . . . must be made on the attorney unless the court orders service on the party.”

Accordingly, on or before **April 30, 2010**, the government shall file supplemental briefing clarifying whether Claimants’ counsel was served with the Requests for Admissions and, if counsel was not served, whether the Court should excuse the government’s failure to serve Claimants’ counsel.

Dated: April 28, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

<sup>1</sup> (Docket Item No. 43.)

<sup>2</sup> (See Declaration of David Countryman ¶ 2, Docket Item No. 43.)

United States District Court  
For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David Countryman david.countryman@usdoj.gov  
3 David B. Countryman david.countryman@usdoj.gov  
4 Kurt Kevin Robinson robinsonlawfirm@comcast.net

5 **Dated: April 28, 2010**

**Richard W. Wieking, Clerk**

6 **By:           /s/ JW Chambers**  
7 **Elizabeth Garcia**  
8 **Courtroom Deputy**

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