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7 ATTORNEYS FOR PLAINTIFF PLAINTIFF JOHN KESSLER,  
 ADMINISTRATOR OF THE ESTATE OF RUTH FOUND  
 8 HAWKINS

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

12 JOHN KESSLER, ADMINISTRATOR OF  
 THE ESTATE OF RUTH FOUND  
 13 HAWKINS,

CASE NO. C06 07492 RS

STIPULATION AND ~~PROPOSED~~ ORDER  
 TO CONTINUE CASE MANAGEMENT  
 CONFERENCE

14 Plaintiff,

15 v.

16 UNITED STATES OF AMERICA,

17 Defendant.

18  
 19 1. This case is currently scheduled for a further case management conference on  
 20 December 10, 2008.

21 2. The parties request that the Case Management Conference bet continued until  
 22 February 4, 2009, for several reasons. First, the parties have not finalized a settlement in this  
 23 case. Without discussing the details of the settlement, the parties both requested that the IRS  
 24 calculate the net refund due, which took some time following the last scheduled case  
 25 management conference. Defendant sent those amounts to plaintiffs for review. Second,  
 26 defense counsel is the sole attorney assigned to a case schedule for trial beginning on December  
 27 10, 2008. (Case No. CR-08-444-SBA.) Moreover, defense counsel is assigned to at least two  
 28 other cases with hearings on December 10, 2008. For that reason, defense counsel must arrange

1 for other Tax Division attorneys to cover those hearings and does not think sending another  
2 attorney to this conference would be in the parties' or the Court's interest since settlement  
3 discussions are still ongoing. Bases on the status of this case, and counsel's schedule, the  
4 parties' request a continuance until February 4, 2009.

5 DATED: DECEMBER 5, 2006 BERLINER COHEN

6  
7 BY: \_\_\_\_\_  
8 HEATHER H. MUNOZ  
9 ATTORNEYS FOR PLAINTIFF  
10 JOHN KESSLER, ADMINISTRATOR OF THE ESTATE  
11 OF RUTH FOUND HAWKINS

12 DATED: DECEMBER 5, 2006

13 BY: \_\_\_\_\_  
14 THOMAS M. NEWMAN  
15 ASSISTANT UNITED STATES ATTORNEY  
16 TAX DIVISION

**ORDER**

17 In accordance with the parties' stipulation, the Case Management Conference is  
18 continued until February 4, 2009, at 2:30 a.m.

19 IT IS SO ORDERED.

20 DATED: DECEMBER 5, 2008  
21   
22 \_\_\_\_\_  
23 RICHARD SEEBORG  
24 UNITED STATES MAGISTRATE JUDGE

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