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E-Filed 3/31/10

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

11 UNITED STATES OF AMERICA

CV -08-03413 - RS

12 Plaintiff,

13 vs.

**STIPULATION TO CONTINUE
 HEARING ON MOTION FOR
 SUMMARY JUDGMENT AND
 ORDER, MODIFIED BY COURT**

14 JOHN & NANCY BENNETTS, ETAL

15 Defendant.

18 The parties hereby stipulate and agree, subject to Court approval, to the
 19 following:

20 The parties to this action, by and between their counsel, respectfully request that
 21 the Court continue the hearing on the Motion for Summary Judgment filed by the United
 22 States, currently scheduled for April 1, 2010 at 1:30 PM to April 15, 2010 at 1:30 PM or
 23 such other date as the Court orders.

24 Defendants, John and Nancy Bennetts, request the continuance to allow
 25 additional time to effectuate the terms of a possible settlement

26 IT IS SO STIPULATED:

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Date: March 29, 2010

Respectfully submitted,

William A. Brandwein

WILLIAM A. BRANDWEIN
Attorney for Defendants
John & Nancy Bennetts

JOSEPH RUSSONIELLO
United States Attorney

Date: March 29, 2010

/s/ Cynthia Stier
CYNTHIA STIER
Assistant United States Attorney
Tax Division, Attorney for Plaintiff

EDMUND G. BROWN
Attorney General of the State of
California

JOYCE HEE
Supervising Deputy Attorney
General

Date: March 29, 2010

/s/Marguerite Stricklin
MARGUERITE STRICKLIN

Attorneys for Defendant
California Franchise Tax Board

ORDER

The date for the hearing on the Motion for Summary Judgment filed by the United States, currently scheduled for April 1, 2010 at 1:30 PM is rescheduled for April 29, 2010 at 1:30 PM. Opposition due per Rule 7. No further continuances without a showing of good cause beyond "additional time for possible settlement."

IT IS SO ORDERED.

Dated: March 31, 2010



RICHARD SEEBORG
United States District Judge