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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 SANTA CLARA VALLEY HOUSING
 GROUP, INC. and KRISTEN M. BOWES,

13 Plaintiffs,

14 v.

15 UNITED STATES OF AMERICA

16 Defendant.
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CASE NO. 08-cv-05097-LHK

JOINT STIPULATION TO CONTINUE
 CASE MANAGEMENT CONFERENCE,
 INCREASE NUMBER OF DEPOSITIONS,
 EXTEND EXPERT DISCOVERY
 DEADLINES AND [~~PROPOSED~~] ORDER

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 20 SANTA CLARA VALLEY HOUSING GROUP, INC. (“Santa Clara”), and KRISTEN M.
 21 BOWES (“Bowes”) (collectively referred to as “Plaintiffs”) and the UNITED STATES OF AMERICA
 22 (“United States”), by and through their attorneys, hereby request that the Case Management Conference
 23 be continued from October 20, 2010 to October 27, 2010 and that the expert discovery deadlines be
 24 extended as set forth below.

25 The reasons for the continuances are as follows:

26 1. This income tax refund action was filed by Plaintiffs on November 7, 2008, and the case
 27 was initially assigned to United States Magistrate Judge Howard R. Lloyd.

1 2. Upon Defendant's Declination to Proceed Before a U.S. Magistrate Judge and Request
2 for Reassignment to a United States District Judge, this case was reassigned to United States Judge
3 James Ware.

4 3. On April 8, 2009, the initial Joint Case Management Conference scheduled for April 13,
5 2009, was vacated by the Court and a Scheduling Order was issued.

6 4. On August 2, 2010, the Court issued a Reassignment Order where upon this case was
7 reassigned to United States Judge Lucy H. Koh. Pursuant to the Court's Reassignment Order, the Case
8 Management Conference date of September 20, 2010 was vacated and the parties were ordered to file
9 a Joint Case Management Statement by August 18, 2010.

10 5. On August 10, 2010, the Court set a new Case Management Conference for Wednesday,
11 October 20, 2010.

12 6. On August 16, 2010, the parties filed a Second Joint Case Management Conference
13 Statement.

14 7. Pursuant to the Local Rule 16-10(a), lead trial counsel for each party must attend the
15 initial Case Management Conference.

16 8. Lead trial counsel for Plaintiffs, Steven Toscher, has a prior commitment in New York,
17 for which he has already made flight arrangements on October 20, 2010. He would be unable to attend
18 the Case Management Conference via telephone conference as he will be in flight at the scheduled time.

19 9. Plaintiffs' counsel has conferred with counsel for Defendant regarding this request to
20 continue the Case Management Conference from October 20, 2010 to October 27, 2010. Defendant
21 supports this request. Accordingly, Plaintiffs request that this Court continue the Case Management
22 Conference from October 20, 2010 to October 27, 2010.

23 10. The parties anticipate that fact discovery can be completed by the current fact discovery
24 deadline of October 15, 2010. The United States, however, believes it will be necessary to take a total
25 of 26 fact depositions, which is one more than the 25 depositions permitted in the discovery plan adopted
26 by the Court. The United States, therefore, requests that the Court permit the government to take 26 fact
27 depositions. The Plaintiffs do not oppose this request.

1 DATED: September 22, 2010

UNITED STATES DEPARTMENT OF JUSTICE

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By: /s/ Henry C. Darmstadter
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Attorneys for the UNITED STATES OF AMERICA

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

Dated this 28th day of September, 2010



HON. LUCY H. KOH
UNITED STATES DISTRICT JUDGE

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