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 and Kristen M. Bowes

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

UNITED STATES OF AMERICA

Defendant.

CASE NO. 08-cv-05097-LHK

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

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

The reasons for the continuances are as follows:

1. This income tax refund action was filed by Plaintiffs on November 7, 2008, and the case 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 11. On August 23, 2010, the parties designated expert witnesses and exchanged expert
2 reports. The Plaintiffs designated four experts, and the United States designated two experts. In light
3 of the number of experts and complex nature of opinions expressed, the parties request that the
4 disclosure of rebuttal experts, currently set for October 22, 2010, be extended to November 15, 2010 and
5 that the close of expert discovery, currently set for December 15, 2010, be extended to December 31,
6 2010.

7 11. The parties also request that other deadlines (set prior to reassignment) be continued as
8 follows:

- 9 • Deadline to file and serve Notice of Motion to Exclude expert testimony or portion
10 thereof be extended from January 11, 2011 to January 31, 2011;
- 11 • Deadline to file dispositive motions be extended from January 11, 2011 to January 31,
12 2011;
- 13 • Deadline to file responses to dispositive motions be extended from February 11, 2011
14 to February 28, 2011;
- 15 • Deadline to file replies to responses to dispositive motions be extended from March
16 11, 2011 to March 28, 2011;
- 17 • Last date for hearing dispositive motions be extended from March 21, 2011 to April
18 7, 2011.

19
20 DATED: September 22, 2010 HOCHMAN, SALKIN, RETTIG, TOSCHER & PEREZ, P.C.

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22 By: /s/ Sharyn M. Fisk
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 INC. and KRISTEN M. BOWES

1 DATED: September 22, 2010

UNITED STATES DEPARTMENT OF JUSTICE

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Attorneys for the UNITED STATES OF AMERICA

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11 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.**
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14 Dated this 28th day of September, 2010


15 HON. LUCY H. KOH
16 UNITED STATES DISTRICT JUDGE

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