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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	Case No: 2:12-cv-1112-LRH-(CWH)
	)	
Plaintiff,	)	
	)	
v.	)	United States' Unopposed Motion To
	)	Extend The Time For Show Cause
\$91,110.00 IN UNITED STATES CURRENCY,	)	Proceedings (Fourth Request)
	)	
Defendant.	)	<b>AND ORDER THEREON</b>

COMES NOW, the United States Attorney for the District of Nevada, and requests that this Court continue this show cause proceeding for sixty days, or until November 30, 2016. The grounds for this motion are that the parties have been engaged in good faith negotiations, and, in fact, have agreed to the settle the case on terms agreed to by both parties, *subject to the approval of the probate court overseeing this matter.*

Noel Heard, the person from whom the defendant currency was seized is deceased, and it is his estate and, by extension, a Georgia state probate judge who must approve the terms of this settlement.

The legal representatives of Heard's estate are the Broel Law Group located in Marietta, Georgia. Since the parties first commenced settlement discussions several months ago, Stan

1 Faulkner was the lawyer at Broel who represented the interests of the estate. Based on  
2 representations by Attorney Faulkner it was understood that the heirs had agreed to the  
3 settlement and that all that remained was for the probate court to approve the settlement. Based  
4 on that understanding the parties filed a stipulation to continue the show cause matter for sixty  
5 days, or until September 30, 2016, so that the Georgia Probate Court could act, presumably in  
6 favor of approving the settlement between the parties. Within the past thirty days Government  
7 counsel has made repeated, unsuccessful attempts to contact Attorney Faulkner by phone and e-  
8 mail.

9           Apparently, Mr. Faulkner recently left the firm and the case has yet to be formally  
10 assigned to a new attorney. The interim attorney, Stephanie Banks, has explained to counsel for  
11 the Government, that the new attorney will need to investigate the matter both with the  
12 Administratrix, any interested heirs and the state probate court to assure that all entities are in  
13 accord with regard to the disposition of this matter. Attorney Banks also informed counsel for the  
14 Government that it was her understanding that a settlement agreement had been sent to the firm  
15 by the Administratrix and was imminently expected. Once that is done, the newly-assigned  
16 attorney will need to confirm with both the heirs and the court that all necessary due process  
17 steps have been taken to assure the rights/interests of those heirs.

18           Attorney Banks has represented that all of the above-discussed matters can be achieved in  
19 sixty (60) days and that settlement of this matter is still the projected outcome of this litigation.

20           The representations in this motion as well as the attached order of the Georgia Probate  
21 Court demonstrate that the parties have been, and continue to work toward a likely settlement of  
22 this matter which will facilitate completion of this action.

23           As such, the Government requests that this Court grant the parties an additional sixty (60)  
24 days, or until November 30, 2016, to finalize settlement negotiations in this case, thereby making  
25 show cause proceedings moot.

26 ///

1 Estate counsel for the decedent Noel Heard, in the person of Stephanie Banks, has  
2 consented and stipulated to this motion to continue show cause proceedings.

3 Dated: September 28, 2016

4 Respectfully submitted,

5 Daniel G. Bogden  
6 United States Attorney

7 By: Michael A. Humphreys  
8 Michael A. Humphreys  
9 Assistant United States Attorney

10  
11 **ORDER**

12 IT IS HEREBY ORDERED that the parties shall have an additional sixty (60) days, or  
13 until November 30, 2016, by which to finalize settlement negotiations in this case.

14 DATED this 30th day of September, 2016.

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17 LARRY R. HICKS  
18 UNITED STATES DISTRICT JUDGE  
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