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10 District of Nevada
11 *Of Counsel*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,)	Case No.: 2:15-cv-02424-APG-GWF
)	
14 Plaintiff,)	UNOPPOSED MOTION REGARDING
)	DEADLINES UNDER LR 26-1
15 v.)	
)	
16 CONSTANTIN OCHESCU,)	
17 LILIANA COSMA,)	
18 DITECH FINANCIAL LLC, and)	
REPUBLIC SERVICES, INC.,)	
)	
19 Defendants.)	

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21 The discovery stay the United States previously requested will end on August 15, 2016. The
22 United States therefore moves that the Court order the parties that have appeared in the case to submit
23 their joint discovery report, as required by LR 26-1, within two weeks of the Court’s order. Defendants
24 Ditech Financial LLC (“Ditech”) and Republic Services Inc. (“Republic”) have consented to this
25 motion; the other defendants have not yet appeared, and the Clerk has noted their default. (ECF No. 23).
26 In support of its motion, the United States submits the following:

1 **BACKGROUND**

2 This is a civil action concerning federal income taxes. The Complaint (ECF No. 1) alleges that
3 defendant Constantin Ochescu failed to file his federal income tax returns for the 2002-2009 and 2011
4 tax years. The United States seeks a judgment against Mr. Ochescu for the taxes the IRS assessed for
5 those years, based on an examination the IRS conducted using W2 forms, reports from financial
6 institutions, and similar sources. (*See id.* at 4). The Complaint also seeks to satisfy a portion of the
7 judgment by foreclosing on real property that Mr. Ochescu transferred to his wife, defendant Liliana
8 Cosma. The United States had previously filed tax liens on the property. Defendants Republic and
9 Ditech were named because they may also have liens on the property.
10

11 Mr. Ochescu and Ms. Cosma were difficult to serve. Because the Complaint centers on Mr.
12 Ochescu’s conduct—his failure to pay his income taxes and his decision to transfer the property at issue
13 to his wife—the United States moved to stay scheduling matters and discovery for all parties until Mr.
14 Ochescu and his wife were served and had time to respond. (ECF No. 14). The undersigned counsel
15 then learned that Mr. Ochescu had attempted to submit tax returns for at least some of the years at issue.
16 (*See* ECF No. 26 at 3). The United States requested an additional stay to provide time to review the
17 returns, in the hopes that Mr. Ochescu had recognized the importance of his tax obligations and would
18 respond to the suit or otherwise cooperate. Meanwhile, the United States hoped to reach a stipulation
19 with Ditech and Republic that would resolve any claims between them without discovery.
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21

22 However, the additional stay the United States requested is expiring, and neither Mr. Ochescu or
23 Ms. Cosma have contacted the United States or appeared in the suit. The United States intends to move
24 for a default judgment against them. Counsel for the United States has been in touch with counsel for
25 Ditech and Republic, but the parties have been unable to reach an agreement as to the claims between
26 them.

1 **REQUEST FOR RELIEF**

2 The United States respectfully submits that the parties that have appeared—the United States,
3 Ditech Financial LLC, and Republic Services, Inc.—should conduct a Fed. R. Civ. P. 26(f) conference,
4 and discuss the stipulated discovery plan and scheduling order called for under LR 26-1. The United
5 States requests that the parties be given two weeks from the date of the Court’s order on this motion to
6 conduct the conference and submit the discovery plan or take other appropriate action.
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8
9 Dated: August 11, 2016

Respectfully submitted,

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11 CAROLINE D. CIRAOLO
12 Principal Deputy Assistant Attorney General

13 */s/ E. Carmen Ramirez*
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IT IS SO ORDERED:

Email: E.Carmen.Ramirez@usdoj.gov
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20 
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: August 12, 2016

23 DANIEL BOGDEN
24 United States Attorney
25 District of Nevada

26 *Attorneys for the United States of America*

IT IS SO ORDERED

SEE ABOVE

United States District Judge

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1 CERTIFICATE OF SERVICE

2 IT IS HEREBY CERTIFIED that service of the foregoing is made this 11th day of August, 2016
3 on the following parties, by the following means:
4

5 By U.S. Mail:

6 Constantin Ochescu
7 8064 Cetus Circle
8 Las Vegas, NV 89128

9 Liliana Cosma
10 8064 Cetus Circle
11 Las Vegas, NV 89128

12 By ECF:

13
14 Republic Silver State Disposal, Inc. d/b/a Republic Services, Inc.
15 c/o Donald H. Williams
16 Williams & Associates
17 612 South Tenth St.
18 Las Vegas, NV 89101

19 Ditech Financial LLC
20 c/o Rebecca Kern
21 Aldrige Pite LLP
22 520 South 4th St., Suite 360
23 Las Vegas, Nevada 89101

24 /s/ E. Carmen Ramirez
25 E. CARMEN RAMIREZ
26 Trial Attorney, Tax Division
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