

In the United States Court of Federal Claims

No. 10-455T

(Filed January 19, 2012)

**ALAN B. FABIAN and
JACQUELINE M. RICHARDS-FABIAN,**

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

SCHEDULING ORDER

The Court has reviewed the Joint Status Report filed by the parties on January 19, 2012. The parties request an extension of the period for fact discovery, from January 31, 2012 until May 31, 2012. The request is **GRANTED**, and the parties now have through May 31, 2012 to complete fact discovery. The parties shall file a Joint Status Report proposing a schedule for further proceedings on or by **May 31, 2012**.

IT IS SO ORDERED.

s/ Victor J. Wolski

VICTOR J. WOLSKI

Judge

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

RE: CARLTON and FREDA KNIGHT

No. 11-13723M
Ch. 13

ORDER WITHDRAWING OBJECTION TO CLAIM

On this day is presented to the Court the Motion of the debtors objecting to the claim of the Internal Revenue Service in the sum of \$8,713.93 and the Court, being well and sufficiently advised herein, finds that the debtors desire to withdraw their Objection.

IT, IS, THEREFORE, BY THE COURT, ORDERED that the Objection to Claim of the Internal Revenue Service in the sum of \$8,713.93 be and is hereby withdrawn.



Dated: 01/19/2012

HON. JAMES G. MIXON
U. S. Bankruptcy Judge

Date

cc: James R. Pate, Attorney

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 4.2
Eastern Division**

United States of America

Plaintiff,

v.

Case No.: 1:11-cv-04713
Honorable John W. Darrah

Tracy L Sunderlage, et al.

Defendant.

**ORDER REFERRING A CIVIL CASE TO THE
DESIGNATED MAGISTRATE JUDGE**

Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Honorable Nan R. Nolan for the purpose of holding proceedings related to: discovery motions, including the motions to compel [68, 75, 82]. Any extension to the discovery deadline must be heard by Judge Darrah. Mailed notice. (maf)

Dated: January 19, 2012

/s/ John W. Darrah

United States District Judge

IT IS SO ORDERED.

SIGNED THIS: January 19, 2012



Mary P. Gorman
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

IN RE:)
GARY WILDER and) BANKRUPTCY
TONI JO WILDER,) No. 09-71141
Debtors.)

AGREED ORDER ON OBJECTIONS TO CLAIM #94-5

This cause coming to be heard on the objections of Trustee Mariann Pogge (Doc. 1181) and of Creditor First Premier Capital, LLC (Doc. 1223) to Claim #94-5 of the United States of America, Internal Revenue Service and the Stipulation filed by the United States of America (Doc. 1538), and the parties having stipulated to this Order, and the Court being fully advised in the premises finds that the United States of America Internal Revenue Service is asserting a pre-petition priority tax claim against the bankruptcy estate in the amount of \$1,199,629.22 and Claim #94-5 should be allowed in that amount. The Court further finds that this Agreed Order resolves the objections of Trustee Mariann Pogge and First Premier Capital, LLC to Claim #94-5.

NOW THEREFORE, IT IS ORDERED THAT Claim #94-5 of the United States of America, Internal Revenue Service is allowed as a priority tax claim in the amount of \$1,199,629.22 and is disallowed as to the balance.

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AGREED:

UNITED STATES OF AMERICA
INTERNAL REVENUE SERVICE

By: /s/ David H. Hoff

David H. Hoff, Assistant United States Attorney

FIRST PREMIER CAPITAL, LLC

By: /s/ Alex Darcy

Alex Darcy, its attorney

/s/ Mariann Pogge

Mariann Pogge, Trustee

In the United States Court of Federal Claims

No. 10-192T

(Filed: January 19, 2012)

***** *
 *
 SALEM FINANCIAL, INC., *
 *
 Plaintiff, *
 *
 v. *
 *
 UNITED STATES, *
 *
 Defendant. *
 *
 ***** *

PRETRIAL ORDER

On January 4, 2012, the Court held a quarterly status conference with counsel for the parties, during which the Court and counsel discussed a schedule for trial and certain pretrial procedures. The Court issued a draft of this Pretrial Order to counsel on January 5, 2012 and thereafter received their proposed changes. With the assistance of counsel, the Court has established the following schedule and procedures:

1. Trial shall begin on Monday, March 4, 2013 at 9:30 AM at the National Courts Building at 717 Madison Place, NW, Washington, DC. The Court will allot twenty business days, through March 29, 2013, for trial. The trial will encompass all issues of liability and damages, as suggested in the parties' joint preliminary status report filed August 19, 2010. The Court will provide access to the courtroom reserved for trial on or before March 1, 2013 to allow the parties to set up prior to the start of trial. The details of these arrangements will be provided to the parties by the Court at a future date.
2. On a mutually convenient date on or before December 17, 2012, counsel for the parties shall exchange exhibits, deposition excerpts, and draft sets of proposed stipulations. Thereafter, counsel shall engage in good-faith efforts to agree upon stipulations of fact and as to the admissibility of exhibits and deposition excerpts. Agreement to proposed stipulations should not be unreasonably withheld. Counsel shall also discuss the exchanged exhibits in an effort to avoid duplication of exhibits

at trial and to agree to their admissibility. Stipulations may reference or cite supporting trial exhibits to which there is no objection. Counsel may also discuss any other matter that will facilitate remaining pretrial procedures or the trial. Additional meetings of counsel may be necessary to complete the requirements of this paragraph prior to January 28, 2013 (see paragraph 3 below).

3. On or before January 28, 2013, counsel for the parties shall file with the Court and exchange with each other the following information:
 - a. Stipulations of all uncontested material facts, in the format of numbered paragraphs, signed by counsel of record for both parties.
 - b. A separate memorandum by each party containing: (i) the contested factual issues to be addressed at trial, and as to each issue, the contentions of fact that the party expects to prove at trial; (ii) the proposed conclusions of law that each party believes will be established, along with citation to the lead case(s) upon which each party relies; and (iii) citation to, and an appendix containing copies of, the applicable laws and regulations relevant to this case.
 - c. A list of exhibits that each party expects to offer into evidence at trial. To the extent feasible, exhibits shall be numbered in chronological order with the earliest dated exhibit first. Exhibits to be offered during the testimony of any expert witness and summaries pursuant to Federal Rule of Evidence 1006 shall be listed last. Each party shall provide to the opposing party (not to the Court) a complete electronic (PDF or TIFF) copy of each exhibit appearing on the exhibit list. Except for impeachment and rebuttal exhibits, any exhibit not included on the list filed with the Court will not be admitted at trial, except for good cause shown.
 - d. A list of the persons expected to be called as fact or expert witnesses at trial, including each person's full name, a brief description of the subject matter of the person's testimony, and the expected length of direct examination. Counsel shall indicate for each witness whether the witness is certain to testify at trial or whether the witness "may" testify at trial. Except for rebuttal witnesses, any person not included on the witness list will not be permitted to testify at trial, except for good cause shown. Counsel shall identify any witness expected to testify by video conference from a remote location. Excerpts of deposition transcripts or excerpts of deposition video may be offered as exhibits for witnesses who are unavailable to testify at trial. A statement of the reason(s) for the unavailability of any such witness must be provided, together with a list of the proposed deposition designations.

4. On or before February 4, 2013, counsel for the parties shall file with the Court and exchange with each other their objections, if any, to the exhibits, deposition designations, and cross-designations received from opposing counsel. The parties must indicate the nature of the objection lodged and the applicable rule of the Federal Rules of Evidence relied upon for each objection. All exhibits and designations to which no objection is lodged shall be admitted into evidence at the beginning of the trial. All other exhibits may be offered into evidence individually as the trial progresses. In the course of identifying trial exhibits and objections thereto, counsel are requested to coordinate their efforts to eliminate duplicate exhibits.
5. Each party should furnish to the Court at the beginning of trial a copy of the exhibits to which there is no objection and which shall be admitted into evidence at the beginning of the trial. In addition, each party should have sufficient copies of exhibits at trial to provide a complete set to the court reporter for use during trial and for use by witnesses while testifying. Counsel should ensure that exhibits receive the necessary explanation of meaning and context through testimony at trial. Any exhibit not referenced during the trial or in the parties' Stipulations of Fact likely will be afforded little, if any, weight in the Court's consideration of the evidence.
6. Additionally, the Court and counsel of record agree to the following:
 - a. The parties shall adhere to Rule 615 of the Federal Rules of Evidence, requiring the exclusion of all fact witnesses from the courtroom during trial, save for one designated officer or representative of each party, who shall remain the same throughout the trial. Expert witnesses from each side may remain in the courtroom during the proceedings. Once counsel tenders a witness to opposing counsel for cross-examination, the presenting counsel may not hold substantive discussions with the witness until cross-examination is concluded. Counsel shall not share trial transcripts with upcoming fact witnesses or discuss with them the substance of any trial proceedings that have occurred.
 - b. At the beginning of each party's case, counsel shall provide to opposing counsel the order in which witnesses will be called. As the trial progresses, any changes in the order of witnesses shall be furnished promptly to opposing counsel.
 - c. For any witness who appears on the witness list of both parties, and if counsel agree, Defendant may combine cross-examination and direct examination when questioning witnesses the Plaintiff calls. This accommodation is made primarily for witnesses who reside outside of the Washington, DC area and may be withheld for witnesses who reside locally.

- d. Unless the parties agree otherwise, any demonstrative exhibits to be used by the parties at trial shall be exchanged not less than 48 hours in advance of trial.
 - e. At the conclusion of the trial, counsel will coordinate with the Court to agree upon a final list of admitted exhibits.
 - f. The Court anticipates that the parties concurrently will file post-trial briefs, containing proposed findings of fact with citations to the record and conclusions of law. The briefs will be filed within a reasonable time to be determined after receipt of the trial transcript. Thereafter, each party will be afforded an opportunity to respond to the opposing party's brief.
7. Any party desiring to file a dispositive pretrial motion shall do so on or before November 19, 2012. A party wishing to file other pretrial motions, including motions *in limine*, shall do so on or before February 11, 2013. The existence of any pending motion will not under any circumstances serve to delay the start of trial.
 8. Counsel for the parties have agreed to provide a "tutorial" presentation to the Court on Wednesday, February 13, 2013 at 10:00 AM to assist the Court in understanding the transaction(s) at issue in this case. The tutorial session shall be held on the record in open court. Counsel for the parties shall confer and agree upon a format for the tutorial and propose such format to the Court, including any special guidelines or procedures, on or before December 12, 2012.
 9. The Court will hold a Final Pretrial Conference by telephone on February 25, 2013 at 10:00 AM. Counsel of record are expected to participate.

The above pretrial schedule and procedures are used by the Court in lieu of Appendix A to the Court's rules.

IT IS SO ORDERED.

s/Thomas C. Wheeler
THOMAS C. WHEELER
Judge

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO: 8:11-cv-2635-T-27TGW

GREGORY A. DARST, et al.,

Defendants.

ORDER

BEFORE THE COURT is a Suggestion of Bankruptcy (Dkt. 7). Pursuant to the Suggestion of Bankruptcy (Dkt. 7), this action is stayed as to Defendant Gregory A. Darst. *See* 11 U.S.C. § 362(a).

DONE AND ORDERED this 19th day of January, 2012.


JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel of Record

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

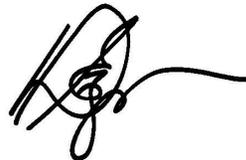
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|---------------------------|---|---------------------------|
| ROBERT ALLEN, et al. |) | Civil No. 03-1358 DAE-RJJ |
| |) | Consolidated with |
| Plaintiffs, |) | Civil No. 05-0472-DAE-RJJ |
| |) | |
| vs. |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER SCHEDULING HEARING

The Court hereby schedules a hearing on Friday, March 23, 2012, at 9:00 a.m., at the United States District Court for the District of Nevada, 333 Las Vegas Boulevard, South, Las Vegas, Nevada, in a courtroom to be assigned, on Federal Defendants' Motion for Partial Summary Judgment (Doc. # 301).

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 19, 2012.



DAVID ALAN EZRA
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

PHILIP MILES BRESNAHAN and
RONDA ASHBURN BRESNAHAN,

Case No. 8:10-bk-22000-KRM
Chapter 13

Debtors.

**AMENDED ORDER GRANTING MOTION TO DETERMINE
SECURED STATUS OF INTERNAL REVENUE SERVICE AND
TO STRIP LIEN EFFECTIVE UPON DISCHARGE
(Third Mortgage)**

THIS CASE came on for hearing September 7, 2011, upon Debtors' Verified Motion to ^{^ and thereafter on December 7, 2011,} *KRM*

Determine Secured Status of Claim and to Strip Lien of INTERNAL REVENUE SERVICE

[Docket #37]. The Court having reviewed the motion, heard argument of counsel, considered the record, and being further advised in the premises finds it appropriate to Grant the motion.

The real property located at *2020 Lee Drive, Valrico, FL* in Hillsborough County, State of Florida (the "Real Property"), and more particularly described as follows:

THE SOUTH 120 FEET OF THE EAST 270 FEET OF LOT 48 OF VAN SANT SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6 ON PAGE 44, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, LESS HE SOUTH 20 FEET THEREOF AND LESS THE EAST 30 FEET THEREOF FOR ROAD RIGHT OF WAY.

Parcel ID # U-36-29-20-2GN-000000-00048.8

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

1. That the Debtors' Verified Motion to Determine Secured Status of Claim and to

Strip the lien of INTERNAL REVENUE SERVICE, be and the same is hereby, Granted.

2. That Claim No: 3-2 filed on by of INTERNAL REVENUE SERVICE shall be treated as an unsecured claim in this Chapter 13 case.
3. The Federal Tax Lien on the Real Property held by INTERNAL REVENUE SERVICE recorded on February 26, 2004, at Official Record Book 13851, at Page 1871, Instrument #2004069883; Federal Tax Lien on the Real Property held by INTERNAL REVENUE SERVICE recorded on March 2, 2004, at Official Record Book 13617, at Page 1130, Instrument #2004086365; and Federal Tax Lien on the Real Property held by INTERNAL REVENUE SERVICE recorded on March 7, 2005, at Official Record Book 14769, at Pages 1058 and 1059, Instrument #2005099635, shall be deemed void and shall be extinguished automatically, except as they relate to non-dischargeable tax debts, without further court order upon entry of debtor's discharge in this Chapter 13 case; provided, however, the Court reserves jurisdiction to consider, if appropriate, the avoidance of INTERNAL REVENUE SERVICE's mortgage lien prior to the entry of the discharge.

4. This order does not prohibit INTERNAL REVENUE SERVICE from asserting, at any time prior to the time when the lien is avoided by this order upon entry of the Debtors' discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

DONE and ORDERED in Chambers at Tampa, Florida on January 19, 2012.



K. Rodney May
United States Bankruptcy Judge

Copies furnished to:

Philip Doyle, philip.a.doyle@usdoj.gov

Terry E Smith, ecf@ch13tampa.com

Internal Revenue Service, Attn: U. Irwin, Bankruptcy Specialist, 400 W. Bay Street, Ste 35045,
M/S 5730, Jacksonville, FL 32202

Internal Revenue Service, c/o Dept. of Justice, Tax Div., P.O. Box 14198, Ben Franklin Station,
Washington, D.C. 20044

Internal Revenue Service, c/o U.S. Attorneys Office, "Civil Process Clerk", 400 N. Tampa St.,
Ste. 3200, Tampa, FL 33602

Internal Revenue Service, c/o U.S. Attorneys General, 10th St. & Constitution Ave., Washington,
D.C. 20530

Philip Miles Bresnahan and Ronda Ashburn Bresnahan, 2020 Lee Drive. Valrico, FL 33594

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

PHILIP MILES BRESNAHAN and
RONDA ASHBURN BRESNAHAN,

Case No. 8:10-bk-22000-KRM
Chapter 13

Debtors.
_____ /

**ORDER GRANTING
MOTION BY UNITED STATES TO AMEND
ORDER "STRIPPING" FEDERAL TAX LIENS**

THIS MATTER came on for hearing on December 7, 2011, upon the Motion by United States to Amend Order "Stripping" Federal Tax Liens [Doc. 68] and the debtors' Motion to Quash Motion by United States to Amend Order "Stripping" Federal Tax Liens [Doc. 78], which the Court construes as an opposition to the Government's motion. For the reasons stated on the record and recorded in open Court, it is

ORDERED as follows:

1. That the Motion by United States to Amend Order "Stripping" Federal Tax Liens [Doc. No. 68] is GRANTED;
2. The Court's Order Granting the Debtors' Motion to Determine Secured Status and Strip Lien of the Internal Revenue Service [Doc. No. 58] is VACATED.
3. The Court will enter a separate order on the Debtors' Motion to Determine Secured Status of Internal Revenue Service and to Strip Lien Effective upon Discharge [Doc. No. 37].

DONE and ORDERED in Chambers at Tampa, Florida on January 19, 2012.



K. Rodney May
United States Bankruptcy Judge

Copies furnished to:

Philip Doyle, philip.a.doyle@usdoj.gov

Buddy D. Ford, [REDACTED]

Chad D Heckman, [REDACTED]

Kevin L Hing, [REDACTED]

Terry E Smith, ecf@ch13tampa.com

Internal Revenue Service, Attn: U. Irwin, Bankruptcy Specialist, 400 W. Bay Street, Ste 35045,
M/S 5730, Jacksonville, FL 32202

Internal Revenue Service, c/o Dept. of Justice, Tax Div., P.O. Box 14198, Ben Franklin Station,
Washington, D.C. 20044

Internal Revenue Service, c/o U.S. Attorneys Office, "Civil Process Clerk", 400 N. Tampa St.,
Ste. 3200, Tampa, FL 33602

Philip Miles Bresnahan and Ronda Ashburn Bresnahan, 2020 Lee Drive. Valrico, FL 33594

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
LARRY EDWARD WILSON,)
BANK OF NEW YORK as TRUSTEE FOR)
THE CERTIFICATEHOLDERS CWABS, INC.)
ASSET-BACKED CERTIFICATES, SERIES)
2004-6,)
COUNTRYWIDE HOME LOANS, INC.,)
SOUTH CAROLINA DEPARTMENT OF)
EMPLOYMENT AND WORKFORCE,)
SOUTH CAROLINA WORKERS')
COMPENSATION UNINSURED)
EMPLOYERS' FUND,)
RISK CONTROL SERVICES, INC.,)
BOB SHIREY,)
WALTER E. RUFF, JR., and)
ORIGINAL BUDDYS, LLC,)
)
Defendants.)
_____)

C/A NO. 8:11-cv-02122-GRA

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

This Court, upon Motion of the Plaintiff, United States of America, and default having been entered against Larry Edward Wilson, Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2004-6, Countrywide Home Loans, Inc., South Carolina Department of Employment and Workforce, South Carolina Workers' Compensation Uninsured Employers' Fund, Risk Control Services , Inc., Bob Shirey, Walter E. Ruff, Jr., and Original Buddys, LLC., it is

ORDERED and ADJUDGED that the Plaintiff's Motion for Default Judgment is GRANTED. The clerk shall enter Final Default Judgment against Larry Edward Wilson, Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2004-6, Countrywide Home Loans, Inc., South Carolina Department of Employment and Workforce, South Carolina Workers' Compensation Uninsured Employers' Fund, Risk Control Services, Inc., Bob Shirey, Walter E. Ruff, Jr., and Original Buddys, LLC.;

ORDERED and ADJUDGED that The United States has valid tax liens resulting from the unpaid tax liabilities described above and that the tax liens attach to Larry Edward Wilson's interest in the Subject Property;

ORDERED and ADJUDGED that the tax liens of the United States are foreclosed on Wilson's interest in the Subject Property, and that the property be sold pursuant to further order of the Court. The United States shall have twenty (20) days from the date of this judgment to submit a proposed order of sale in accordance with this order;

ORDERED and ADJUDGED that neither Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2004-6, Countrywide Home Loans, Inc., South Carolina Department of Employment and Workforce, South Carolina Workers' Compensation Uninsured Employers' Fund, Risk Control Services, Inc., Bob Shirey, Walter E. Ruff, Jr., nor Original Buddys, LLC., have any interest whatsoever in the Subject Property and that when the property is sold in this action such sale shall be free and clear of any liens of those parties; and

ORDERED and ADJUDGED that neither Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2004-6, Countrywide Home

Loans, Inc., South Carolina Department of Employment and Workforce, South Carolina Workers' Compensation Uninsured Employers' Fund, Risk Control Services, Inc., Bob Shirey, Walter E. Ruff, Jr., nor Original Buddys, LLC, shall be entitled to share in the proceeds of the sale of the Subject Property.



G. ROSS ANDERSON, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

January 19, 2012

Copies to:

George J. Conits,
Assistant United States Attorney

Michael W. May
Trial Attorney, Tax Division
U.S. Department of Justice

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

MYRON K. ALLENSTEIN,

v.

CV-11-PWG-3608-M

DOUGLAS SHULMAN,
Commissioner of Internal Revenue,

SCHEDULING ORDER (New Rules)

This order is entered under Fed. R. Civ.P. 16(b) based on the parties' report of a planning meeting. This order supersedes any prior orders and governs further proceedings in this action unless modified for good cause shown.

1. Pleadings and Parties: No causes of action, defenses, or parties may be added after MARCH 31, 2012 for plaintiff and APRIL 30, 2012 for defendant.
2. Dispositive Motions: All potentially dispositive motions must be filed by AUGUST 20, 2012 and should be accompanied by a supporting brief.
3. Expert Testimony: Unless modified by stipulation of the parties, the disclosures of expert witnesses--including a complete report under Fed. R. Civ. P. 26(a)(2)(B) from any specially retained or employed expert--are due:

From plaintiff(s): by NO EXPERTS EXPECTED
From defendant(s): by NO EXPERTS EXPECTED

4. Discovery limitations and cutoff:

(a) Unless modified by stipulation of the parties:

Depositions: COMPLETED BY JULY 20, 2012
Interrogatories: Max. 25 by any party directed to any other party.

(b) Unless modified by court order for good cause shown:

Supplementation: Supplementation of disclosures and discovery under Fed. R. Civ. P. 26(e) due by JUNE 20, 2012.

Deadline: All discovery must be commenced in time to be completed by JULY 20, 2012.

5. Additional conference(s): A pretrial conference will be scheduled in a separate order after the dispositive deadline.
6. Final lists: Lists of trial witnesses, exhibits, and objections under Fed. R. Civ. P. 26(a)(3) must be served and filed:

Witnesses: by SEPTEMBER 27, 2012
Exhibits: by SEPTEMBER 27, 2012
Objections: within 14 days after receiving list.

7. Trial: This case shall be ready for trial in NOVEMBER, 2012.
8. Additional Orders: Inasmuch as this action is currently assigned to the U.S. Magistrate Judge, the parties are hereby DIRECTED to confer and NOTIFY THE COURT IN WRITING WITHIN THIRTY (30) DAYS after the date of this order whether or not all parties consent to the exercise of final dispositive jurisdiction by the magistrate judge pursuant to 28 U.S.C. 636(c). The parties' report of the planning meeting should not specifically identify which parties consent or decline to consent to the magistrate judge's jurisdiction. Any party who wishes to consent to the magistrate judge's jurisdiction should also submit a signed consent form to the Clerk who will notify the court only if all parties consent to the magistrate judge's jurisdiction. It is not necessary for all parties to sign the same consent form; however, it is necessary that each party sign a consent form before the magistrate can assume final dispositive jurisdiction.

SPECIAL NOTICE-- RULE 56 MOTIONS

The scheduling order to be entered in this case will be based in substantial part upon the report of the parties' planning meeting. The dispositive motion deadline in actions before this court in a non-consent reference in accord with 28 U.S.C. § 636(b) cannot be extended except under the most extraordinary of circumstances. A proposed modification in discovery deadlines which could affect the Rule 56 dispositive motion deadline must take into account that the Rule 56 motion deadline will not change. In all 636(b) references the parties are on notice that after a motion for summary judgment is filed the non-moving party will be afforded a reasonable period in which to respond to the motion. A single brief reply by the movant to the response of the non-moving party may then be allowed. With the submission of the initial motion and non-movant's response, the Rule 56 motion will be deemed submitted. The dispositive motion deadline is final and irrevocable. Once submitted, neither party will be able to augment, supplement, improve, correct, or alter the evidence, theories or argument as set out in the initial motion and the initial response.

Marking of Exhibits: Each party that anticipates offering as substantive evidence as many as six (6) exhibits shall remark its exhibits in advance of trial, using exhibit labels and lists available from the Clerk of Court. By the time of trial, a copy of the exhibit list shall be served and filed, with the exhibits being made available for inspection by opposing counsel; the presentation of evidence at trial will not ordinarily be interrupted for opposing counsel to examine a document that has been so marked and made available for inspection.

Medical authorization: Counsel for all parties are granted the right to inspect and copy all hospital and medical records relating to the medical care, treatment, diagnosis, condition, and history of _____ together with the right to interview, in person or otherwise, all physicians, administrators, and other personnel in connection therewith. A copy of this order shall constitute sufficient authority for such inspection, copying, or interview. A party claiming damages for his or her own personal injuries shall submit, if requested by counsel for an opposing party, to a medical examination by a physician selected by, and compensated by, such opposing party; but counsel for the injured party shall be furnished with a copy of any reports of such examination and may depose or interview the examining physician.

So ordered this the 19th day of January, 2012.



PAUL W. GREENE
CHIEF, UNITED STATES MAGISTRATE JUDGE

-

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CV-11-0014

January 19, 2012
9:20 a.m.

FANG AI, et al. -vs- UNITED STATES OF AMERICA

PRESENT: HON. RAMONA V. MANGLONA, CHIEF JUDGE PRESIDING
TINA MATSUNAGA, COURTROOM DEPUTY
COLIN THOMPSON, ATTORNEY FOR PLAINTIFFS
STEVEN PIXLEY, ATTORNEY FOR PLAINTIFFS
ANDY CAMACHO, ATTORNEY FOR DEFENDANT
ROSS NAUGHTON, ATTORNEY FOR DEFENDANT

PROCEEDINGS: CASE MANAGEMENT CONFERENCE

Attorneys Colin Thompson and Steven Pixley appeared on behalf of the plaintiffs. Attorney Andy Camacho appeared telephonically on behalf of the defendant. Ross Naughton, Assistant U.S. Attorney, also appeared on behalf of the defendant.

Court ordered the dates in the stipulated case management plan filed on January 18, 2012 (Document No. 9) be adopted. Defendant to submit scheduling order for the Court's approval.

Adjourned 9:25 a.m.

/s/Tina P. Matsunaga, Courtroom Deputy

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

| | | |
|--------------------------------------|---|--------------------|
| Alterra Property Owners Association, |) | CV-11-2494-PHX-FJM |
| Plaintiff(s), |) | ORDER |
| vs. |) | |
| Ramsey D. Gordon et al., |) | |
| Defendant(s). |) | |

Pursuant to LRCiv 16.2 governing differentiated case management, this action, which commenced on December 16, 2011 is designated a **standard track** case. Accordingly,

IT IS HEREBY ORDERED:

Pursuant to Rule 16, Federal Rules of Civil Procedure, a Scheduling Conference is set for **March 23, 2012 at 2:30 p.m.** in Courtroom 506, Fifth Floor, Sandra Day O'Connor U.S. District Courthouse, 401 W. Washington Street, Phoenix, Arizona. Counsel are directed to Rule 16 for the objectives of this conference. Counsel may appear by telephone. **Please notify chambers in advance at 602-322-7590 if you plan to appear telephonically.**

IT IS FURTHER ORDERED that all parties are directed to meet at least 21 days before the scheduling conference, in accordance with Rule 26(f), Federal Rules of Civil Procedure, to discuss the following matters:

1. Any matters relating to jurisdiction, venue or joinder of additional parties;
2. The nature and bases of their claims and defenses and the possibilities for a prompt settlement or resolution of the case;

1 3. A schedule of all pretrial proceedings, including any evidentiary hearings
2 pursuant to Rule 702, Federal Rules of Evidence;

3 4. Arrangements for Initial Disclosures in compliance with Rule 26(a)(1) of the
4 Federal Rules of Civil Procedure. Initial Disclosures shall be made at the initial Rule 26(f)
5 case management meeting or within 14 days after the meeting;

6 5. The subjects on which discovery may be needed and when discovery should be
7 completed.

8 **IT IS FURTHER ORDERED** that at the Rule 26(f) Case Management Meeting, the
9 parties shall develop a **PROPOSED CASE MANAGEMENT PLAN**. This plan shall
10 include individually numbered brief statements concerning:

11 1. The nature of the case, setting forth in brief statements (no more than
12 one-half page each side) the factual and legal basis of plaintiff's claims and defendant's
13 defenses;

14 2. A brief skeletal list of the elements of proof necessary for each count
15 of the Complaint and each affirmative defense (no more than two pages);

16 3. The factual and legal issues genuinely in dispute (no more than one page
17 each side);

18 4. The jurisdictional basis of the case, citing specific statutes. Specify the
19 place of incorporation and principal place of business of corporations, and the states of
20 citizenship of all members of unincorporated entities including partnerships, LLCs, etc.;

21 5. Parties, if any, which have not been served, as well as parties which
22 have not filed an answer or other appearance, including fictitious parties. Unless counsel can
23 otherwise show cause, an order shall accompany the joint report dismissing any party which
24 has not been served, fictitious or unnamed parties, or seeking default judgment against any
25 non-appearing party;

26 **If a party has been served, but has not appeared, plaintiff or counter-**
27 **claimant shall give notice of this order to that party. Rule 16(b)(2), Fed. R. Civ. P.**

28 6. The names of parties not subject to the Court's jurisdiction;

1 7. Whether there are dispositive or partially dispositive issues to be
2 decided by pretrial motions, and the legal issues about which any pretrial motions are
3 contemplated;

4 8. Whether the case is suitable for reference to a United States Magistrate
5 Judge for settlement conference;

6 9. The status of related cases pending before other judges of this Court or
7 before other courts;

8 10. A statement of when initial disclosures were made or will be made;

9 11. Proposed dates for:

10 (a) Last day to file motions to amend the complaint and to join additional
11 parties.

12 (b) Disclosure of expert testimony by plaintiff under Rule 26(a)(2), Fed. R.
13 Civ. P.

14 (c) Disclosure of expert testimony by defendant under Rule 26(a)(2), Fed.
15 R. Civ. P.

16 (d) Disclosure of rebuttal expert testimony.

17 (e) Disclosure of all witnesses, exhibits and other matters under Rule
18 26(a)(3), Fed. R. Civ. P.

19 (f) Closure of all discovery.

20 (g) Last day to file dispositive motions.

21 (h) The lodging of a joint proposed pretrial order (about 150 days after last
22 day to file dispositive motions).

23 (i) The final pretrial conference (on a Friday at 3:00 p.m. about one week
24 after lodging proposed pretrial order and two weeks before trial).

25 (j) Firm trial date (third Tuesday of month at 9:00 a.m.);

26 12. The estimated length of trial, and any suggestions for shortening the
27 trial;

28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SHELBY COUNTY, ALABAMA,)
)
Plaintiff,)
)
vs.)
)
WILLIAM T. OWENS, et al.,)
)
Defendants.)

Civil Action Number
2:12-cv-00058-JEO

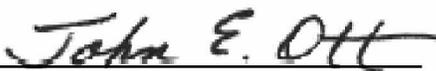
ORDER

Before the court is the motion of plaintiff Shelby County, Alabama, to deposit funds with the Clerk of Court. (Doc. 1-2 at 15-16). Plaintiff specifically seeks an order authorizing it to deposit the sum of Two Hundred Seventh-Nine Thousand Dollars (\$279,000.00) into the registry of the court. Upon consideration, the court finds that the motion is due to be granted.

Therefore, the court hereby GRANTS plaintiff's motion and ORDERS as follows:

1. Plaintiff shall pay the sum of Two Hundred Seventh-Nine Thousand Dollars (\$279,000.00) into the registry of the court;
2. The Clerk shall deposit the funds into an interest bearing account, at the rate of interest prevailing at the date of deposit, for a period of 30 days, after which, absent further order of the court, said funds are to be automatically renewed.
3. Upon disposition of this action, the prevailing parties may file a motion for disbursement of the funds.

DONE and ORDERED this 19th day of January, 2012.



JOHN E. OTT
United States Magistrate Judge



ORDERED in the Southern District of Florida on January 13, 2012.

Erik P. Kimball, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

In re:

Case No.: 09-15556-EPK
Chapter 7

KANE & KANE, A PARTNERSHIP,

Debtor.

MICHAEL R. BAKST, Trustee in
Bankruptcy for KANE & KANE, A
PARTNERSHIP,

Adv. Proc. No.:10-01022-EPK

Plaintiff,

v.

UNITED STATES OF AMERICA,
CHARLES J. KANE and
HARLEY N. KANE

Defendants.

**ORDER DENYING AS MOOT
AGREED MOTION TO CONTINUE PRETRIAL HEARING**

THIS MATTER came before the Court upon the *Agreed Motion to Continue Pretrial Hearing* [ECF No. 239] (the “Motion”) filed by Charles J. Kane and Harley N. Kane. In light of the Court’s *Order on Trustee’s Motion to Extend Pretrial Deadline for Producing*

Exhibit Registers to Opposing Counsel [ECF No. 241] in which the Court continued the pretrial conference in the above-captioned adversary proceeding, and with the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED that the Motion [ECF No. 239] is DENIED as moot.

###

Copies Furnished To:

G Steven Fender, Esq.

Katherine P Walsh, Esq.

Joseph S Van De Bogart, Esq.

Joseph S Van De Bogart, Esq. is directed to serve a conformed copy of this Order on all appropriate parties not listed above and to file a certificate of service with the court.

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 INGRID N. McCULLOUGH, f/k/a)
 Ingrid Hall, individually and as)
 Executrix for the)
 Estate of Harriett Nixon Hall, and)
 THOMAS McCULLOUGH,)
)
 Defendants.)
 _____)

Civil No. 2:10-cv-1507(DWA)

STIPULATION AND CONSENT ORDER VACATING ORDER OF SALE AND
DISMISSING COUNTS II THROUGH V OF COMPLAINT

WHEREAS plaintiff United States and defendants Ingrid McCullough (individually) and Thomas McCullough having settled the above captioned case (see Docket No. 48, Exhibits B (defendants' December 2, 2011 offer letter) and C (plaintiff's acceptance letter) thereto);

WHEREAS the Court afforded the parties additional time to consummate the settlement (see Docket No. 49 (January 13, 2012 order));

WHEREAS defendants Ingrid McCullough (individually) and Thomas McCullough having paid the settlement sum to plaintiff; and, in accordance with the terms of the settlement agreement, it is hereby

STIPULATED AND AGREED by and between plaintiff United States and

Ingrid McCullough (individually) and Thomas McCullough that:

1. The above captioned case is settled;
2. With respect to the Court's October 19, 2011 final judgment on count I of the complaint and order of sale of the 2 Winthrop Road, Carnegie, PA property (collectively Docket No. 44), the order of sale be vacated because the parties have settled that matter and that the United States will file a separate satisfaction of the judgment of foreclosure on count I of its complaint regarding the 2 Winthrop Road property;
3. With respect to counts II through V of the United States' complaint that sought money judgments against Ingrid McCullough (individually) and Thomas McCullough, counts II through V of the complaint are dismissed with prejudice; and
4. The parties bear their own respective costs and expenses incurred, including any attorney's fees.

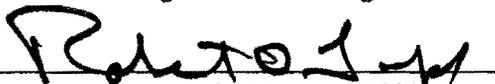
Counsel for Plaintiff:

DAVID J. HICKTON
United States Attorney

JOHN A. DiCICCO
Principal Deputy Assistant Attorney General


CHARLES M. FLESCH
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 227, Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6635
E-mail: charles.m.flesch@usdoj

Counsel for Ingrid McCullough and Thomas McCullough:


ROBERT LAMPL (PA I.D. #19809)
JAMES R. COONEY (PA I.D. #32706)
960 Penn Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: (412) 392-0330
Facsimile: (412) 392-0335
Email: rlampl@lampllaw.com

THE FOREGOING STIPULATION IS HEREBY APPROVED AND SO-ORDERED THIS

20th DAY OF Jan, 2012.¹



DONETTA W. AMBROSE
United States District Judge

¹And although Ingrid McCullough was also named in the suit captioned above in her representative capacity as Executrix for the Estate of Harriett Nixon Hall and was a nominally party in that regard, this suit (Civil No. 10-1507) is likewise dismissed as against Ingrid McCullough as Executrix for the Estate of Harriett Nixon Hall.

RECEIVED
USDC, WESTERN DISTRICT OF LA
TONY R. MOORE, CLERK
ALEXANDRIA, LOUISIANA
DATE 1/19/12
BY [Signature]

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
LENORA NITZ,)
EVANGELINE BANK & TRUST COMPANY,)
CENLA CASE MANAGEMENT, LLC)
)
Defendants.)

Civil No. 1:11-cv-00441-DDD-JDK

ORDER GRANTING DEFAULT JUDGMENT

This matter is before the Court on the United States of America’s Application for Entry of Default Judgement against Defendant Cenla Case Management, LLC (“Cenla”), pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. [DE #20.] Cenla has failed to appear, answer, plead or otherwise defend this action as provided by the Federal Rules of Civil Procedure, and its default was entered by Clerk on June 20, 2011. [DE # 19.]

In the instant matter, after a thorough review of the Plaintiff’s pleadings, the Court finds the Plaintiff has stated a valid cause of action against Defendant Cenla and has provided substantial support for the allegations contained in the Complaint and for the relief sought therein. The Court also concludes that Defendant Cenla has failed to plead or otherwise defend against Plaintiff’s claims. Thus, the Court concludes that there is a sufficient basis in the pleadings to enter a default judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. Accordingly, for good cause show, it is

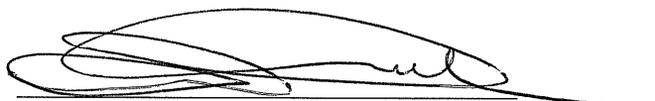
ORDERED AND ADJUDGED that the United States of America’s Application for Entry

of Default Judgment Against Cenla is GRANTED. The clerk directed to enter judgment against

Cenla as follows:

Defendant Cenla Case Management, LLC has no interest in the Subject Properties. Should the properties be foreclosed upon in this action, the United States may sell the properties free and clear of any interest claimed by Cenla and Cenla is not entitled to proceeds of the foreclosure sale.

SIGNED on January 19, 2012 at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read "Dee D. Drell", written over a horizontal line.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE

FILED
IN OPEN COURT
JAN 19 2012
CLERK, U.S. DISTRICT COURT
NORFOLK, VA

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DENNIS OWENS, *et al.*,)
)
 Defendants.)

Civil No. 2:10-cv-00405-RGD-DEM

CONSENT ORDER OF SALE

AND NOW, this 9 day of JANUARY, 2012

in accordance with the Judgment of the Court, which foreclosed tax liens in favor of the United States of America and ordered the sale of certain Real Property, it is hereby ORDERED that

1. The term "Internal Revenue Service," as used herein includes its authorized deputies, agents, or officers, including its Property Appraisal and Liquidation Specialist ("PALS").
2. The PALS is authorized under 28 U.S.C. §§ 2001 and 2002 to offer for sale at public auction and to sell the property located at 1744 Rexton Street, Virginia Beach, Virginia ("the Real Property"), and more fully described in public records as follows:

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon and the appurtenances thereunto belonging, lying, situate and being in the City of Virginia Beach, Virginia, being known, numbered and designated as Lot 12, Block G, as shown on that certain plat entitled "Subdivision of OCEAN LAKES, Phase One- Section One, Princess Anne Borough, Virginia Beach, Virginia", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 2458, at pages 2189 through 2194.

IT BEING a part of the same property conveyed unto the Grantor herein by deed of Gallagher Construction Corp., a Virginia corporation, dated September 10, 1986, and recorded in the aforesaid Clerk's Office in Deed Book 2541, at page 2128.

3. The time and place for the sale of the Real Property is to be decided and announced by the PALS. By agreement, the PALS will schedule the sale of the Real Property for a date at least sixty (60) days after the entry of this order. Notice of the sale of the Real Property shall be advertised once a week for four consecutive weeks preceding the time fixed for such sale in a daily newspaper of general circulation in the county, state, or judicial district of the United States where the Real Property is situated. The notice(s) of sale shall contain a description of the Real Property and shall contain the essential terms and conditions of sale as set forth in this Order. The PALS may, at its discretion, provide additional notice by other means.

4. The sale of the Real Property shall be free and clear of liens or interests of the defendants and any successors in interest or transferees to those parties. This sale will be made without the right of redemption.

5. The sale of the Real Property shall be subject to all laws, ordinances, and governmental regulations (including building and zoning ordinances) affecting the Real Property and any easements and restrictions of record, if any.

6. The Real Property shall be sold by public auction within the City of Virginia Beach, Virginia, either on the premises of the Real Property or at any other place in accordance with the provisions of 28 U.S.C. §§ 2001 and 2002.

7. The PALS has the authority and discretion to set a minimum bid. If the minimum bid is not met or exceeded, the PALS is authorized to hold a new public sale under substantially similar terms and conditions as set forth in this Order and, if necessary, to reduce the minimum bid.

8. No bid on the Real Property shall be accepted unless the same is accompanied by a certified or cashier's check payable to the "Clerk of the United States District Court" for no less than ten percent (10%) of the amount of the bid. Before being permitted to bid at the sale, bidders shall display to the PALS proof that they are able to comply with this requirement. No bids will be received from any person who has not presented proof that, if they are the successful bidder, they can make the deposit required by this Order. However, the conditions of this paragraph do not apply to bids made on behalf of the United States, which may bid at the sale as a credit against its liens without tender of cash.

9. The balance of the purchase price for the Real Property shall be paid to the PALS within thirty (30) days after the date the bid is accepted. Payment shall be by a

certified or cashier's check payable to the "Clerk of the United States District Court." If the bidder fails to fulfill this requirement, the ten percent (10%) deposit shall be forfeited and shall be applied to pay any costs incurred by the PALS by reason of the default, including the costs of the initial offering or additional attempts to sell the Real Property. The balance of the deposit, if any, shall be turned over to or retained by the United States and applied against defendant Dennis Owens's unpaid federal tax liabilities, in a manner at the discretion of the Internal Revenue Service. The Real Property again shall be offered for sale under the terms and conditions of this Order.

10. The Clerk of Court is hereby ORDERED to accept checks for payment of the purchase price of the Real Property, and to deposit and maintain such funds in the Registry of the Court, in an interest-bearing account, until the Court orders their distribution.

11. The sale of the Real Property shall be subject to confirmation by the Court. The sale shall stand confirmed as of course without any affirmative action by the Court unless (a) a written objection is filed with the Clerk within three (3) days of the sale, or (b) the bidder(s)/purchaser(s) is/are in default, including failure to pay the balance due on the purchase price.

12. No later than thirty (30) days after the PALS receives the balance of the purchase price for the Real Property, the Internal Revenue Service, through counsel, shall file a report of sale with the Court, together with a proposed Order confirming the sale.

13. Upon confirmation of the sale of the Real Property (and receipt of full payment), the PALS shall execute and deliver a Certificate of Sale and Deed, conveying the property to the purchaser(s). Upon confirmation of the sale, all interests in, liens against, or claims to the Real Property held by the plaintiff, any defendant, and any successors in interest or transferees to those parties will be extinguished.

14. The Clerk of the Circuit Court of Virginia Beach, Virginia shall proceed to record the deed in favor of the purchaser(s). The responsibility for recording the deed and the payment of all costs, fees, and taxes of whatever kind relating to the recording of the deed shall be borne by the purchaser(s) as a term and condition of sale.

15. After confirmation of the sale of the Real Property, upon motion by counsel for the United States, the Court will issue an order directing the Clerk to distribute the sale proceeds from the Court's Registry in the following order shall distribute the proceeds from the sale of the Real Property in the following order:

- a. First, to the PALS toward his or her administrative expenses in connection with the sale (including advertising costs and payment of property taxes that encumber the Real Property);
- b. Second, to defendant Chase Home Finance, LLC, to be applied to the balance owing on a deed of trust on the Real Property, which was recorded on December 30, 1993 (see Doc. 29);
- c. Third, any remaining funds to be equally divided by defendant Norma Owens and the United States, with the portion paid to the

United States to be applied to defendant Dennis Owens's unpaid tax liabilities.

16. Until the Real Property is sold by the PALS, defendants Dennis Owens and Norma Owens shall take all reasonable steps necessary to preserve the Real Property (including all improvements, fixtures, and appurtenances) in its current condition including, without limitation, maintaining fire and casualty insurance on the Real Property at their own expense. All defendants named in this action shall not commit waste against the Real Property, nor shall they cause or permit anyone else to do so. All defendants named in this action shall not do anything that tends to reduce the value or marketability of the Real Property, nor shall they cause or permit anyone else to do so. All defendants named in this action shall take no action which may tend to deter or discourage potential bidders from participating in the public auction(s).

17. The PALS is directed to take possession of the Real Property, including all buildings, improvements, fixtures, appurtenances, materials, and equipment thereon. All persons occupying the Real Property shall permanently leave and vacate the premises upon receiving thirty (30) day notice from the PALS, taking with them their personal property but leaving all improvements, buildings, fixtures, and appurtenances to the Real Property. If any person fails or refuses to vacate any of the Real Property by the time specified in this Order, the United States Marshal is authorized to take whatever action it deems appropriate to remove such person from the premises of the Real Property. If any person fails or refuses to remove personal property, such

property is deemed forfeited and abandoned, and the PALS is authorized to dispose of such personal property in any manner it deems appropriate, including, but not limited to, the sale of such personal property. The proceeds of the sale from any such personal property shall be applied first to the expenses of sale, and then remitted to the United States to be applied toward defendant Dennis Owens's unpaid federal tax liabilities. Other than the expenses of the sale of abandoned personal property, any costs incurred or associated with a person's failure or refusal to vacate the Real Property or to remove personal property therefrom, shall be administrative costs of the sale and shall be recovered by the Internal Revenue Service from the proceeds of the sale.

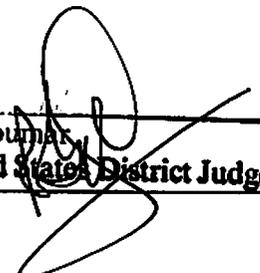
18. If any person fails to vacate the premises on or before the date noticed by the Internal Revenue Service, the United States Marshal is authorized and directed to enforce this Order at any time that he/she deems appropriate after the date specified in the Internal Revenue Service's notice, by (1) entering the Real Property and any structures or vehicles thereon, and (2) evicting any unauthorized persons from all locations on the Real Property, and (3) using all force as necessary to accomplish this mission, including arrest. When the United States Marshal concludes that all unauthorized persons have vacated or been evicted from the Real Property, he/she shall relinquish possession and custody of the Real Property and any personal property found thereon, to the Internal Revenue Service.

19. The Internal Revenue Service shall have all of the rights and powers necessary to fulfill its obligations under this Order, specifically including, but not

limited to, the power to enter onto the Real Property, to manage and collect rents on the Real Property, and to take any action reasonably necessary to protect and preserve the value of the Real Property prior to sale and to prepare the same for sale. This includes, but is not limited to, retaining a locksmith or other person to change or install locks or other security devices on any part of the property after the notice given in paragraph 17, until the deed to the Real Property is delivered to the ultimate purchaser.

20. This order of sale shall act as a special writ of execution against the Real Property, and no further orders or process from the Court shall be required.

BY THE COURT:



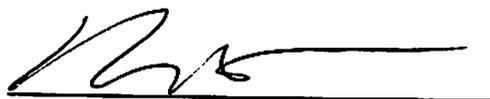
Robert G. Doumar,
Senior United States District Judge

WE ASK FOR THIS:

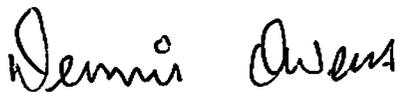


CHRISTOPHER D. BELEN (VSB 78281)
U.S. Department of Justice, Tax Division
Post Office Box 227, Ben Franklin Station
Washington, D.C. 20044
Ph.: (202) 307-2089 | Fax: (202) 514-6866
Email: Christopher.D.Belen@usdoj.gov
Counsel for the United States

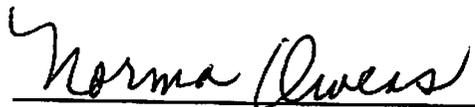
(Cont'd)



PATRICK W. HERMAN
RICHARD H. OTTINGER (VSB 38842)
Vandeventer Black LLP
500 World Trade Center
101 West Main Street, Suite 500
Norfolk, Virginia 23510
Ph.: (757) 446-8600 | Fax: (757) 446-8670
Email: rottinger@vanblk.com
Counsel for Dennis and Norma Owens



DENNIS M. OWENS
1744 Rexton Street
Virginia Beach, VA 23454



NORMA OWENS
1744 Rexton Street
Virginia Beach, VA 23454

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

VERNON J PIELA,

Debtor(s).

IN CHAPTER 13 PROCEEDING
NO. 11-10706-TWD

EX PARTE
ORDER DISMISSING CASE

THIS MATTER originally before the Court on the Chapter 13 Trustee's motion to dismiss case (Docket No. 26). On December 23, 2011, the Court ordered that, if the debtor is not completely current on his plan payments by January 18, 2012, the Trustee may submit an *ex parte* order dismissing this case (Docket No. 39). Based on the Trustee office's declaration (Docket No. 49), the debtor is not completely current on his plan payments and the debtor failed to comply with the Court's December 23, 2011 order. Therefore, it is

ORDERED that this case is dismissed.

// /End of Order/ //

Presented by:

/s/ K. Michael Fitzgerald

K. MICHAEL FITZGERALD, WSBA #8115

Chapter 13 Trustee

600 University St. #2200

Seattle, WA 98101-4100

(206) 624-5124

EX PARTE
ORDER DISMISSING CASE - 1

Chapter 13 Trustee
600 University St. #2200
Seattle, WA 98101-4100
(206) 624-5124 FAX 624-5282

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**JEFFREY ROSE and
CARRIE ROSE,**

Debtors.

**JEFFREY ROSE and
CARRIE ROSE,**

Plaintiffs,

v.

**DOLLAR BANK FEDERAL SAVINGS
BANK; UNITED STATES OF AMERICA,
DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE;
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF REVENUE; and
HART PRINTING AND LITHOGRAPHY CO.,**

Defendants.

Bankruptcy No. 11-22664-JAD

Chapter 13

Adversary No. 11-2358-JAD

ORDER

AND NOW, this 19th day of January, 2012, upon consideration of the Motion To Continue Trial filed by Plaintiffs/Debtors at Doc. # 23 the above-captioned matter;

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the **Evidentiary Hearing/Trial** on Debtors' Complaint To Determine Secured Status Under § 506 set for Tuesday, January 31, 2012 at 1:30 PM in Courtroom D, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219 **IS CANCELLED.**

The evidentiary hearing/trial will be rescheduled by separate Order to be issued by the Court.



JEFFERY A. DELLER
U.S. Bankruptcy Judge

THE CASE ADMINISTRATOR SHALL MAIL TO:

- Debtors
- Richard R. Tarantine, Esq.
- Nicholas J. Lamberti, Esq.
- Art D. Kunofsky, Esq.
- Ronda J. Winnecour, Esq.
- Office of United States Trustee

FILED

JAN 19 2012

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

1 THOMAS E. CROWE
2 THOMAS E. CROWE PROFESSIONAL
3 LAW CORPORATION
4 State Bar No. 3048
5 2830 S. Jones Blvd.
6 Suite 3
7 Las Vegas, Nevada 89146
8 (702) 794-0373
9 Attorney for Plaintiff

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF NEVADA

8 CHARLES SAUNDERS and,
9 SHERRY SAUNDERS,

10 Plaintiffs,

11 v.

12 UNITED STATES OF AMERICA,

13 Defendant.

2:10-cv-00800-RLH-RJJ

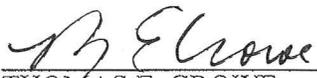
14 **STIPULATION OF DISMISSAL and ORDER**

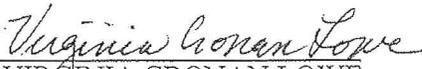
15 The parties stipulate that this case be dismissed pursuant to Federal Rule of Civil Procedure
16 41(a)(1)(A)(ii). The parties are to bear their respective costs, including any possible attorney fees or other
17 expenses of litigation.

18 Therefore, the parties respectfully request that the Clerk dismiss this action without a court order.

19 THOMAS E. CROWE PROFESSIONAL
20 LAW CORPORATION

JOHN A. DICICCO
Principal Deputy Assistant Attorney General

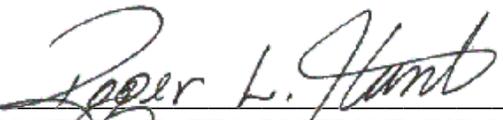
21 
22 THOMAS E. CROWE
23 Nevada Bar No. 3048
24 2830 S. Jones Blvd.
25 Suite 3
26 Las Vegas, NV 89146


27 VIRGINIA CRONAN LOWE
28 Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 683
Ben Franklin Station
Washington, D.C. 20044
Attorney for Defendant

Attorney for Plaintiff

Of Counsel:
DANIEL BOGDEN
United States Attorney

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: January 19, 2012

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
Minute Order

Hearing Information:

Debtor: CARRIE R. STEELE
Case Number: 09-04711-LA11 **Chapter:** 11
Date / Time / Room: THURSDAY, JANUARY 19, 2012 02:30 PM DEPARTMENT 2
Bankruptcy Judge: LOUISE DeCARL ADLER
Courtroom Clerk: KAREN FEARCE
Reporter / ECR: HEATHER PITVOREC

Matters:

- 1) STATUS CONFERENCE RE: FRANCHISE TAX BOARD'S RESPONSE TO OBJECTION TO CLAIM'S 6,9,10 FILED BY LESLIE BRANNON SMITH (fr 10/20)

- 2) STATUS CONFERENCE RE: UNITED STATES (IRS) RESPONSE TO OBJECTION TO CLAIM #5 FILED BY KARI LARSON (fr 10/30)

- 3) MOTION TO DISMISS CONTESTED MATTER IN PART FOR LACK OF SUBJECT-MATTER JURISDICTION, FILED BY ADAM STRAIT ON BEHALF OF UNITED STATES (INTERNAL REVENUE SERVICE)

Appearances:

MICHAEL S. KOGAN, ATTORNEY FOR CARRIE R. STEELE
LESLIE BRANNON SMITH, ATTORNEY FOR FRANCHISE TAX BOARD
ADAM STRAIT, ATTORNEY FOR USA/IRS

Disposition:

1 & 2) matters will be set for Trial July 9-11 at 10:00; Pretrial Hearing is June 28 at 10:30, dispositive motions to be heard by 5/24/12 by either party.

Parties to notify courtroom deputy for selection of mediators.

- 3) Tentative Ruling of the Court is Affirmed.

United States District Court, Northern District of Illinois

| | | | |
|---|-------------------|---|-----------|
| Name of Assigned Judge or Magistrate Judge | John W. Darrah | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 11 C 4713 | DATE | 1/19/2012 |
| CASE TITLE | USA v. Sunderlage | | |

DOCKET ENTRY TEXT

Status hearing and ruling on motion hearing held. Defendants' motions to withdraw attorney are granted [73, 79]. Government's motion for alternative service is granted [77]. Status hearing set for 1/26/12 at 9:30 a.m.

Docketing to mail notices.

00:10

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| Courtroom Deputy Initials: | MF |
|-------------------------------|----|

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil Action 2:10-CV-336

Judge Economus

Magistrate Judge King

TOBIAS H. ELSASS, *et al.*,

Defendants.

ORDER

The Court conferred by telephone with counsel, and with defendant Elsass who is proceeding *pro se*, on January 18, 2012.

On January 13, 2012, Attorney Derek James Walden entered an appearance on behalf of the corporate defendants. Doc. No. 90. Attorney Walden agrees that he can meet the case schedule that is currently in place. *Order*, Doc. No. 88. The parties are **ADVISED** that the Court anticipates no extension of the current case schedule.

Plaintiff has filed a motion for leave to amend the complaint to join an additional party. Doc. No. 89. Pursuant to the current briefing schedule, *see Order*, Doc. No. 88, defendant Elsass has until January 20, 2012 to respond to that motion. The request of the corporate defendants for an extension of time to respond to the motion is **GRANTED**. The corporate defendants may have until January 27, 2012 to respond to the motion for leave to amend. The United States may have until January 30, 2012 to reply in support of the motion.

The parties have encountered difficulty scheduling depositions.

Defendant Elsass contends that plaintiff should not be permitted to conduct its depositions unless he is also able to depose certain specified individuals. For its part, the United States contends that the depositions proposed by defendant Elsass are foreclosed by virtue of the Court's earlier denial of defendants' motion to compel. See *Opinion and Order*, Doc. No. 62.

The Federal Rules of Civil Procedure do not require - or permit - the conditioning of discovery by one party upon discovery by another party. Fed. R. Civ. P. 26(d)(2). Moreover, the local rules of this Court make clear that, unless the denial of defendants' motion to compel is reversed or stayed, the limitations on the scope of discovery established by that order remains the law of the case and controls subsequent proceedings. S.D. Ohio Civ. R. 72.3 ("When an objection is filed to a Magistrate Judge's ruling on a non-case dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the Magistrate Judge or a District Judge.") It follows, then, that plaintiff may proceed with its discovery. If defendant Elsass concludes that there exists a discovery dispute relating to his requested discovery, he shall either file a motion to compel discovery or seek a discovery conference with the Court.

It is therefore **ORDERED** that plaintiff's requested depositions of the four (4) current or former Fraud Recovery Group ("FRG") employees may proceed and must be completed no later than February 10, 2012. Although the Court will expect the parties to attempt to agree to dates that are convenient to all parties and the deponents, if that is not possible, plaintiff may unilaterally establish deposition dates

consistent with this *Order*.

It is further **ORDERED** that plaintiff's deposition of Heidi Williams will proceed on February 2, 2012 at the office of the United States Attorney in Las Vegas, Nevada.

January 19, 2012

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

W.K. Industries Inc.,

Case No. 09-74936-wsd
Chapter 7
Judge Walter Shapero

Debtor(s), _____ /

Stuart A. Gold, Trustee,

Plaintiff(s),

Adv. Proc. No. 11-7058

v.

Internal Revenue Service,

Defendant(s), _____ /

**ORDER FOR INITIAL SCHEDULING CONFERENCE
IN AN ADVERSARY PROCEEDING**

Pursuant to Fed. R. Bankr. P. 7016 and Fed. R. Civ. P. 16, the Court will conduct a scheduling conference in **Room 1029, 231 W. Lafayette Street, Detroit, Michigan on February 23, 2012 at 1:30 p.m.** following which a scheduling order will be issued. All parties and their counsel are reminded that:

- (a) they must comply with Fed. R. Bankr. P. 7026, incorporating Fed. R. Civ. P. 26(f), requiring them to (1) confer and discuss the required subjects, and, (2) file with the Court a written report (including a discovery plan)¹ after that conference, which should take place at least 14 days before the scheduling conference; and, the required written report must be submitted at least 5 days before that scheduling conference;

and

- (b) they must comply with Fed. R. Bankr. P. 7026, incorporating Fed. R. Civ. P. 26(a)(1), requiring specified initial disclosures to be served within 14 days after the Rule 26(f) conference (unless the parties waive the requirement in whole or in part, or extend the due date; note that any such waiver or extension should be included in the required 26(f) report).

If the 26(f) report is submitted 5 days before the scheduled conference that conference will not take place, and a scheduling order will be issued.

Signed on: January 19, 2012

/s/ Walter Shapero
Walter Shapero
United States Bankruptcy Judge

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WWA17, LLC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendants.

CASE NO. CV 11-5822-DMG (CWx)

**SCHEDULING AND CASE
MANAGEMENT ORDER RE
COURT TRIAL**

**PLEASE READ THIS ORDER CAREFULLY. IT DIFFERS IN
SOME RESPECTS FROM THE LOCAL RULES.**

**SEE THE LAST PAGE OF THIS ORDER FOR THE SCHEDULED
DATES.**

The term “Counsel,” as used in this Order, includes parties appearing *in propria persona*.

The Court has scheduled the dates set forth on the last page of this Order after review of the parties’ Joint Scheduling Conference Report. Therefore, the Court deems a Scheduling Conference unnecessary and hereby vacates the hearing. Where possible, the Court has implemented the parties’ suggested dates

1 with some adjustments to better accommodate the Court’s calendar and
2 procedures. The dates and requirements set forth in this Order are firm. The
3 Court is unlikely to grant continuances, even if stipulated by the parties, unless the
4 parties establish good cause through a proper showing.

5 **I.**

6 **DEADLINES**

7
8 **A. JOINDER OF PARTIES/AMENDMENT OF PLEADINGS**

9 All motions to add parties or to amend the pleadings must be noticed to be
10 **heard** on or before the cut-off date. All unserved parties will be dismissed at the
11 time of the pretrial conference pursuant to Local Rule 16-8.1.

12 **B. DISCOVERY AND DISCOVERY CUT-OFF**

13 1. **Discovery Cut-off**: The Court has established a cut-off date for
14 discovery, including expert discovery, if applicable. This is not the date by which
15 discovery requests must be served; it is the date by which all discovery, including
16 all hearings on any related motions, is to be completed.

17 2. **Discovery Disputes**: Counsel are expected to comply with all Local
18 Rules and the Federal Rules of Civil Procedure concerning discovery. Whenever
19 possible, the Court expects counsel to resolve discovery problems among
20 themselves in a courteous, reasonable, and professional manner. The Court
21 expects that counsel will adhere strictly to the Civility and Professionalism
22 Guidelines (which can be found on the Court’s website under “Attorney
23 Information> Attorney Admissions”).

24 3. **Discovery Motions**: Any motion challenging the adequacy of
25 discovery responses must be filed, served, and calendared sufficiently in advance
26 of the discovery cut-off date to permit the responses to be obtained before that
27 date, if the motion is granted.

28 4. **Depositions**: All depositions shall commence sufficiently in

1 advance of the discovery cut-off date to permit their completion and to permit the
2 deposing party enough time to bring any discovery motions concerning the
3 deposition before the cut-off date. Given the requirements to “meet and confer,”
4 and notice requirements, in most cases a planned motion to compel must be
5 discussed with opposing counsel at least six weeks before the cut-off.

6 5. **Written Discovery:** All interrogatories, requests for production of
7 documents, and requests for admissions must be served sufficiently in advance of
8 the discovery cut-off date to permit the discovering party enough time to
9 challenge (via motion practice) responses deemed to be deficient.

10 6. **Expert Discovery:** All disclosures must be made in writing. The
11 parties should begin expert discovery shortly after the initial designation of
12 experts. The final pretrial conference and trial dates will not be continued merely
13 because expert discovery is not completed. Failure to comply with these or any
14 other orders concerning expert discovery may result in the expert being excluded
15 as a witness.

16 **C. LAW AND MOTION**

17 The Court has established a cut-off date for the filing and service of
18 motions for the Court's law and motion calendar. Counsel should consult the
19 Court's Standing Order, provided at the commencement of this action, to
20 determine the Court's requirements concerning motions. Counsel also may
21 consult the Court's website at www.cacd.uscourts.gov>Judges' Procedures and
22 Schedules>Hon. Dolly M. Gee for further information regarding motion
23 procedures.

24 **D. FINAL PRETRIAL CONFERENCE**

25 1. A final pretrial conference date has been set pursuant to Rule 16 of
26 the Federal Rules of Civil Procedure and Local Rule 16-8. Unless excused for
27 good cause, each party appearing in this action shall be represented at the final
28 pretrial conference by the attorney who is to serve as lead counsel. Counsel

1 **Exhibit No.** **Description** **If Objection, State Grounds** **Response to Objection**

2 The pretrial exhibit stipulation shall be filed at the same time counsel lodge the
3 proposed pretrial conference order. Failure to comply with this paragraph could be
4 deemed to constitute a waiver of all objections. **Do not submit** blanket or
5 boilerplate objections to the opposing party's exhibits. These will be disregarded and
6 overruled.

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II.

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ADDITIONAL TRIAL PREPARATION

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11 **A. OPENING STATEMENTS**

12 Opening statements shall be brief and shall summarize how the attorney
13 expects to prove the key components of his/her proposed fact findings.

14 **B. WITNESS DECLARATIONS/DEPOSITION TESTIMONY IN LIEU**
15 **OF DIRECT TESTIMONY**

16 The parties shall comply with Local Rules 16-2.7 and 43-1. At least 21
17 days before trial, for each witness a party intends to call at trial, counsel for that
18 party shall either (a) file and serve personally or by fax or electronic mail an
19 executed declaration in lieu of direct testimony, or (b) if, and only if, such
20 testimony is contained in discrete portions of a deposition, mark and lodge the
21 deposition in accordance with the Local Rules. The Court expects to read the
22 declarations and/or pertinent portions of the lodged depositions prior to the
23 commencement of trial. At trial, the Court will permit “live” questioning only for
24 cross-examination and re-direct of each such witness.

25 Not later than 14 days before trial, each party shall file a copy of its written
26 objections to the testimony contained in the opposing party’s declarations and/or
27 lodged depositions. Failure to file such written objections will be deemed to be a
28 waiver of any such evidentiary objections.

1 **C. MOTIONS IN LIMINE**

2 As this matter will be tried to the Court, there should be a much reduced
3 need for motions *in limine*. The Court limits the number of *in limine* motions
4 which a party or group of affiliated parties may file to **four**, not including (1) any
5 *in limine* motion which seeks an exclusionary sanction under Rule 37(c)(1) of the
6 Federal Rules of Civil Procedure and (2) any *in limine* motion which invokes the
7 Court’s power under Rule 702 of the Federal Rules of Evidence and Daubert v.
8 Merrell Dow Pharmaceuticals, 509 U.S. 579, 597 (1993), to exclude or limit
9 expert testimony. Motions made on the latter two grounds shall prominently state
10 the basis for the motion in the title of the motion on the caption page. Any party
11 desiring to tender any other *in limine* motions beyond the number permitted above
12 shall file an *ex parte* application no later than seven days prior to the due date for
13 such motions, attaching the proposed motion and making a showing why it is
14 imperative that the issue be dealt with by a motion *in limine*.

15 The Court deems the following motions to have been made and granted:

- 16 • Exclusion of evidence of settlement talks, offers of compromise and
17 similar evidence excludable under Federal Rule of Evidence 408.
- 18 • Exclusion of expert opinions not disclosed under Rule 26(a)(2) of
19 the Federal Rule of Civil Procedure or otherwise subjected to examination at the
20 expert’s deposition.

21 All motions *in limine* must be filed at least 21 days before the final pretrial
22 conference. At least seven days prior to the filing deadline, Counsel are to meet
23 and confer with opposing counsel to determine whether opposing counsel intends
24 to introduce the disputed evidence, and to attempt to reach an agreement that
25 would obviate the motion. Each motion should be separately filed and numbered.
26 Opposition must be filed two weeks before the final pretrial conference. Reply
27 briefs will not be considered without leave of the Court. The Court will rule on
28 motions *in limine* at the final pretrial conference unless otherwise ordered.

1 Motions *in limine* should address specific evidence (i.e., *not* “to exclude all
2 hearsay,” etc.). Motions *in limine* should not be disguised motions for summary
3 adjudication of issues.

4 **D. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

5 1. For any matter requiring findings of fact and conclusions of law,
6 counsel for each party shall, no later than 21 days before trial, file with the Court
7 and serve on opposing counsel that party’s proposed findings of fact and
8 conclusions of law in the format specified in Local Rule 52-3.

9 2. Fourteen (14) days before the trial date, each counsel shall file with
10 the Court and serve on opposing counsel a copy of the opposing party’s proposed
11 findings of fact and conclusions of law, marked as follows:

12 (a) Strike through those portions the party disputes;

13 (b) Bold those portions the party admits; and

14 (c) Underline those portions the party admits but considers
15 irrelevant.

16 The parties may agree to and advise the Court of some other method of
17 differentiating among these three categories, such as color coding.

18 3. Counsel need not make a uniform determination as to an entire
19 proposed finding or conclusion. Counsel may agree with a portion, dispute
20 another portion, and consider a portion irrelevant. Counsel are urged, however, to
21 have only a single fact or conclusion of law contained in each paragraph.

22 4. The parties may submit supplemental proposed findings of fact and
23 conclusions of law during the course of the trial. If more than five supplemental
24 findings are proposed, the same designating procedure should be used.

25 5. Each party must submit its own unmarked proposed findings of fact
26 and conclusions of law to the Chambers e-mail box in Word or WordPerfect
27 format.

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1 **E. TRIAL EXHIBITS**

2 1. Counsel are to prepare their exhibits for presentation at the trial by
3 placing them in tabbed binders indexed by exhibit number. Counsel shall submit
4 to the Court an original and one copy of the binder. The exhibits shall be in three-
5 ring binders labeled on the spine portion of the binder as to the volume number
6 and contain an index of each exhibit included in the volume. Exhibits must be
7 numbered in accordance with Local Rule 16-6.

8 2. The Court requires that the following be submitted to the courtroom
9 deputy clerk on the first day of trial:

10 (a) One binder of original exhibits with the Court's exhibit tags,
11 yellow tags for plaintiff and blue tags for defendant, shall be affixed to the front of
12 the exhibit on the upper or lower right-hand corner with the case number, case
13 name, and exhibit number placed on each tag.

14 (b) One binder with a copy of each exhibit tabbed with numbers as
15 described above for use by the Court.

16 (c) Three copies of joint exhibit list.

17 (d) Three copies of witness lists in the order in which the
18 witnesses may be called to testify.

19 3. All counsel are to meet not later than ten days before trial and to
20 stipulate, so far as is possible, to foundation, to waiver of the best evidence rule,
21 and to those exhibits that may be received into evidence at the start of the trial.
22 The exhibits to be so received will be noted on the extra copies of the exhibit lists.

23 **F. TRIAL HOURS**

24 On the first day of trial, court will commence at 8:30 a.m. and conclude at
25 approximately 3:30 p.m. After the first day of trial, trial days continue every day
26 from 9:00 a.m. to approximately 3:30 p.m. with two fifteen-minute breaks and a
27 75-minute lunch break, unless otherwise ordered by the Court. If the Court is
28 engaged in a jury trial, this court trial may be conducted during the afternoons if

1 the parties prefer that approach to a continuance.

2 **G. CLOSING STATEMENTS AND POST-TRIAL BRIEFS**

3 For an overview and review of the evidence, the Court will rely on closing
4 statements. In delivering closing statements, counsel shall use their respective
5 proposed findings of fact and conclusions of law as a “checklist” and should
6 identify the evidence that supports the proposed findings. The Court will not
7 accept post-trial briefs unless the Court finds that the circumstances of the case
8 warrant such briefing and they are specifically authorized.

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III.

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SETTLEMENT PROCEDURES

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A settlement procedure must be identified in every case pursuant to Local Rule 16-15, et seq. Counsel must complete a settlement conference no later than the date set by the Court at the scheduling conference. Not to the exclusion of other procedures, the following are available:

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- (1) a settlement conference before the magistrate judge assigned to the case;
- (2) a settlement conference or mediation before an attorney selected from the Attorney Settlement Panel;
- (3) the employment (at the parties’ expense) of a private judge, mediator, or arbitrator.

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If a case is selected for the Mandatory ADR Program, the parties may choose option (3) instead, but may not choose option (1). Judge Gee will consider holding a settlement conference at the request of the parties in cases with a trial estimate of more than four days.

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No case will proceed to trial unless all parties, including the principals of all corporate parties, have appeared personally at a settlement conference.

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IV.

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CONDUCT OF ATTORNEYS AND PARTIES

A. OPENING STATEMENTS, EXAMINING WITNESSES, AND SUMMATION

- 1. Counsel must use the lectern for opening statements, examination of witnesses, and summation.
- 2. Counsel must not consume time by writing out words, drawing charts or diagrams, etc. Counsel may do so in advance.
- 3. The Court will honor (and may establish) reasonable time estimates for opening statements and closing arguments, examination of witnesses, etc.

B. OBJECTIONS TO QUESTIONS

- 1. Counsel must not use objections for the purpose of making a speech, recapitulating testimony, or attempting to guide the witness.
- 2. When objecting, counsel must rise to state the objection and state only that counsel objects and the concise legal ground of objection. If counsel wishes to argue an objection further, counsel must ask for permission to do so.

C. GENERAL DECORUM

- 1. Counsel should not approach the courtroom deputy clerk or the witness box without specific permission. If permission is given, counsel should return to the lectern when their purpose has been accomplished. Counsel should not question a witness at the witness stand.
- 2. Any request for the re-reading of questions or answers shall be addressed to the Court. Such requests should be limited.
- 3. Where a party has more than one lawyer, only one may conduct the direct or cross-examination of a particular witness, or make objections as to that witness.

1 **D. PROMPTNESS OF COUNSEL AND WITNESSES**

2 1. The Court makes every effort to begin proceedings at the time set.
3 Promptness is expected from counsel and witnesses. The Court will not delay the
4 trial except under extraordinary circumstances.

5 2. If a witness was on the stand at a recess, counsel must have the
6 witness back on the stand, ready to proceed, when the court session resumes.

7 3. Counsel must notify the courtroom deputy clerk in advance if any
8 witness should be accommodated based on a disability or for other reasons.

9 4. Counsel should coordinate the scheduling of witnesses so that there is
10 no delay in the calling of witnesses to the stand..

11 5. The Court attempts to cooperate with professional witnesses and will,
12 except in extraordinary circumstances, accommodate them by permitting them to
13 be called out of sequence. Counsel must anticipate any such possibility and
14 discuss it with opposing counsel. If there is an objection, counsel must confer
15 with the Court in advance.

16 **E. EXHIBITS**

17 1. Each counsel should keep counsel's own list of exhibits and should
18 note when each has been admitted into evidence (if not already admitted pursuant
19 to the pretrial exhibit stipulation)..

20 2. Each counsel is responsible for any exhibits that counsel secures
21 from the courtroom deputy clerk and must return them before leaving the
22 courtroom at the end of the session.

23 3. An exhibit not previously marked should, at the time of its first
24 mention, be accompanied by a request that the courtroom deputy clerk mark it for
25 identification. To save time, counsel must show a new exhibit to opposing
26 counsel before it is mentioned in Court.

27 4. Counsel are to advise the courtroom deputy clerk of any agreements
28 they have with respect to the proposed exhibits and as to those exhibits that may

1 be received so that no further motion to admit need be made.

2 5. When referring to an exhibit, counsel should refer to its exhibit
3 number whenever possible. Witnesses should be asked to do the same.

4 6. If counsel wishes to question a witness in connection with graphic
5 aids, the material must be fully prepared before the court session starts.

6 **F. DEPOSITIONS**

7 1. All depositions to be used at trial, either as evidence or for
8 impeachment, must be lodged with the courtroom deputy clerk on the first day of
9 trial or such earlier date as the Court may order. Counsel should verify with the
10 courtroom deputy clerk that the relevant deposition is in the clerk's possession.

11 2. In using depositions of an adverse party for impeachment, either one
12 of the following procedures may be adopted:

13 (a) If counsel wishes to read the questions and answers as alleged
14 impeachment and ask the witness no further questions on that subject, counsel
15 shall first state the page and line where the reading begins and the page and line
16 where the reading ends, and allow time for any objection. Counsel may then read
17 the portions of the deposition into the record.

18 (b) If counsel wishes to ask the witness further questions on the
19 subject matter, the deposition is placed in front of the witness and the witness is
20 told to read silently the pages and lines involved. Then counsel may either ask the
21 witness further questions on the matter and thereafter read the quotations, or read
22 the quotations and thereafter ask further questions. Counsel should have an extra
23 copy of the deposition for this purpose.

24 3. Where a witness is absent and the witness's testimony is offered by
25 deposition, counsel may (a) have a reader occupy the witness chair and read the
26 testimony of the witness while the examining lawyer asks the questions, or (b)
27 have counsel read both the questions and answers.

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1 **G. USING NUMEROUS ANSWERS TO INTERROGATORIES AND**
2 **REQUESTS FOR ADMISSIONS**

3 Whenever counsel expects to offer a group of answers to interrogatories or
4 requests for admissions extracted from one or more lengthy documents, counsel
5 should prepare a new document listing each question and answer, and identifying
6 the document from which it has been extracted. Copies of this new document
7 should be given to the Court and opposing counsel. This procedure is intended to
8 save time.

9 **H. ADVANCE NOTICE OF UNUSUAL OR DIFFICULT ISSUES**

10 If any counsel has reason to anticipate that a difficult question of law or
11 evidence will necessitate legal argument requiring research or briefing, counsel
12 must give the Court advance notice. Counsel are directed to notify the courtroom
13 deputy clerk at the day's adjournment if an unexpected legal issue arises that
14 could not have been foreseen and addressed by a motion *in limine*. See Fed. R.
15 Evid. 103.

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17 IT IS SO ORDERED.

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19 DATED: January 19, 2012


DOLLY M. GEE
United States District Judge

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NO. CV DMG (x)

Plaintiff(s),

vs.

JOINT EXHIBIT LIST

SAMPLE FORMAT

Defendant(s).

| EX. No. | DESCRIPTION | DATE IDENTIFIED | DATE ADMITTED |
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[*An asterisk shall be placed next to exhibits which a party may offer if the need arises.]

ATTACHMENT A

CASE _____

TRIAL DATE: _____

| | WITNESS NAME | PARTY CALLING WITNESS AND ESTIMATE | X- EXAMINER'S ESTIMATE | DESCRIPTION OF TESTIMONY | COMMENTS |
|---|----------------------------|---------------------------------------|------------------------------|--------------------------|----------|
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| | TOTAL ESTIMATES THIS PAGE: | | | | |

Instructions:
 (1) List witnesses (last name first); (2) For description, be extremely brief, e.g., "eyewitness to accident" or "expert on standard of care;" (3) Use estimates within fractions of an hour, rounded off to closest quarter of an hour, e.g., if you estimate 20 minutes, make it .25. An estimate of one and one-half hours would be 1.5. An estimate of three-quarters of an hour would be .75; (4) Note special factors in "Comments" column, e.g., "Needs interpreter;" (5) Entries may be in handwriting if very neat and legible.

Judge Dolly M. Gee

SCHEDULE OF PRETRIAL & TRIAL DATES (COURT TRIAL)Case No.: CV 11-5822 DMG (CWx) Title: WWA17, LLC v. United States of America

| MATTER | COURT ORDERED DATE | TIME |
|---|----------------------|-----------|
| TRIAL [x] Court [] Jury Duration Estimate: 3 Weeks | 7-9-13 (Tuesday) | 8:30 a.m. |
| FINAL PRETRIAL CONFERENCE (FPTC) 4 wks before trial | 6-11-13 (Tuesday) | 2:00 p.m. |

| MATTER | COURT ORDERED DATE |
|--|--------------------|
| Amended Pleadings and Addition of Parties Cut-Off (includes hearing of motions to amend) | 3-1-12 |
| Non-Expert Discovery Cut-Off (includes hearing of discovery motions) | 2-15-13 |
| Motion Cut-Off (filing deadline) | 3-1-13 |
| Initial Expert Disclosure & Report Deadline | 10-15-12 |
| Rebuttal Expert Disclosure & Report Deadline | 11-15-12 |
| Expert Discovery Cut-Off (includes hearing of discovery motions) | 2-15-13 |
| Settlement Conference Completion Date | 5-14-13 |
| Motions in Limine Filing Deadline | 5-14-13 |
| Opposition to Motion in Limine Filing Deadline | 5-28-13 |
| Other Dates: (e.g., class cert motion cut-off, early mediation, etc.) | n/a |
| Status Report re Settlement | 5-21-13 |
| Proposed Pretrial Conference Order | 5-31-13 |
| Pretrial Exhibit Stipulation | 5-31-13 |
| Joint Exhibit List | 5-31-13 |
| Witness Lists & Joint Trial Witness Time Estimate Form | 5-31-13 |
| Witness Declarations or Marked Depositions | 6-18-13 |
| Objections to Witness Declarations/Marked Depositions | 6-25-13 |
| Proposed Findings of Fact and Conclusions of Law | 6-18-13 |
| Mark Up of Opponent's Proposed Findings/Conclusions | 6-25-13 |