

ORD (12/1/11) ksw

**UNITED STATES BANKRUPTCY COURT
District of Oregon**

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON
FILED

In re
Lori Diane Diaz

Debtor(s)

)
) Case No. **11-30383-elp11**
)
)
) **ORDER RETURNING**
) **DOCUMENT(S)**
)

February 22, 2012
Clerk, U.S. Bankruptcy Court
BY **ksw** DEPUTY

IT IS ORDERED that:

1. The **Correspondence**, submitted to the court on **02/21/12** by **Fidelity Investments**, is being returned to the filer and not entered on the court's docket and will have no legal effect, for the reason(s) stated below:

The listed Debtor's or Adversary Proceeding name and case number do not match.

One or more of the signatures is missing or signed in the wrong location. (Fed. Rules Bankr. Proc. 1008 and/or 9011)

The court cannot provide this information to you. Please contact debtor's counsel, Robert J. Vanden Bos at (503) 241-4869 if you require further assistance.

2. In order for the court to take any action and the listed document(s) to have legal effect, you must **both** (a) correct if necessary and refile the document(s) and (b) serve the refiled document(s) on those parties who were served with a copy of the original document(s). You must file a certificate showing service of the refiled document(s).

3. If the date of filing is critical, the court may consider treating the document(s) as filed on the date originally submitted to the court if you file with the court, within 7 days of the "Filed" date above, **all** of the following:

(A) a written request that clearly sets forth all grounds for treating the document(s) as filed as of the original date of submission;

(B) a copy of this order;

(C) the refiled document(s); **and**

(D) a certification that copies of the request were served on all parties that were served with a copy of the original document(s) listed in ¶1 above.

Clerk, U.S. Bankruptcy Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF KANSAS**

ASH GROVE CEMENT COMPANY)	
and its Subsidiaries, as a Consolidated Group,)	
)	
Plaintiffs,	)	Case No.11-CV-02546
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

PROTECTIVE ORDER OF CONFIDENTIALITY

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and being in the interests of justice, THE COURT HEREBY FINDS that it is necessary to preserve and maintain the confidentiality of certain information or material consisting of or containing confidential financial, proprietary, trade secret, research and development, and/or other private information that requires confidential treatment and which will be produced formally or informally in this action by Plaintiffs.

IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Whenever Plaintiffs in this case called upon to produce or make available to Defendant information or material, whether oral, written, or demonstrative, including any documents, interrogatory answers, admissions, other written discovery responses, things, deposition testimony, or other information that Plaintiffs reasonably believe to be confidential and subject to the protections afforded by Fed. R. Civ. P. 26 (c) and/or the terms of this Protective Order, Plaintiffs may designate such information or material as “Confidential Information” as provided in this Protective Order.

2. As used in this Protective Order, “Confidential Information” means and shall include any and all information or material that Plaintiffs believe in good faith contains confidential information or information of a confidential commercial nature, as those terms are used in Fed. R. Civ. P. 26 (c) and case law construing the same, which is not known by or generally is not available to, or accessible by the general public at the time the information is produced, including any information or material that is required to be kept confidential due to preexisting obligations, including contractual, statutory, or other legal obligations, and confidential business information and/or documents (as described in 5 U.S.C. § 552, 40 C.F.R. Part 2, and/or their state equivalents) provided to the United States Internal Revenue Service (“IRS”), or any other federal, state, or local government agency or other government entity, that if disclosed to a business competitor or the general public may cause injury to Plaintiffs’ competitive position.

3. Any summaries of Confidential Information or any other writings or records that quote from, identify, refer to, or reproduce the substance of the Confidential Information with such specificity that the information or material can be identified, or by reasonably logical extension can be identified, shall be accorded the same status of confidentiality as the underlying information or material from which the summaries are made, and shall be subject to all of the terms of this Protective Order.

4. Plaintiffs may designate depositions or other testimony “Confidential Information” by:

a. Stating orally with specificity on the record the day the testimony is given that the information to be provided to specific questions or regarding specific subject matters is expected to be Confidential Information or;

b. Sending written notice designating by page and line the portions of the transcript of the deposition or other testimony to be treated as Confidential Information within fourteen (14) days after Plaintiffs' receipt of the transcript. In order to permit time for such designation, all deposition testimony shall be treated as Confidential Information for twenty-one (21) days from receipt of the deposition transcript by Plaintiffs' counsel.

The following legend shall be placed on the front of the original deposition transcript and each copy of the transcript containing Confidential Information: ***“Contains ‘Confidential Information’ – Refer to Protective Order.”*** Exhibits to depositions consisting of or containing Confidential Information shall be placed in sealed envelopes or other appropriate containers endorsed to the effect that they are sealed pursuant to this Protective Order by reason of containing Confidential Information.

5. The acceptance by Defendant of materials designated as Confidential Information, whether received in discovery or otherwise, shall not be construed to waive Defendant's right later to object to the designation in accordance with the terms of this Protective Order.

6. Except as otherwise provided by this Protective Order, access to and disclosure of Confidential Information shall be used by Defendant only for purposes of defending this litigation; shall not be used, directly or indirectly, for any business, commercial, or competitive purposes; and shall not be revealed, discussed, or disclosed in any manner or in any form to any person, entity, or judicial tribunal other than:

a. Attorneys representing Defendant in this litigation, including IRS and United States Department of Justice (“DOJ”) counsel, and the employees and support staff of such attorneys;

b. Employees of counsel for the parties, or to employees of the parties

necessary to properly accomplish any purpose or activity described in 26 U.S.C. §§ 6103(h) or (k)(6) and the regulations thereunder, which is necessary for the preparation and trial of this action;

c. Any expert or consultant retained by Defendant for the purpose of this litigation and his or her staff;

d. The Court and any of its staff and personnel;

e. Court reporters, videographers, and third parties retained by counsel to Defendant in this litigation to provide litigation related support services for this litigation, such as graphics, trial exhibits, photocopy services, or document collection, retrieval, or storage services;

f. Any witness or potential witness in this litigation who is identified in a document as a prior recipient thereof or to whom, in the good faith judgment of counsel to Defendant reasonably exercised, disclosure of the material is necessary for purposes of prosecuting or defending this litigation, provided that (i) the disclosure is limited to that which is reasonably necessary to develop evidence in the course of this litigation; (ii) the disclosure is made for the purpose of advancing Defendant defenses and for no other purpose; (iii) Counsel to Defendant endeavors in good faith to redact or handle the protected information in such a manner as to disclose no more protected information than is reasonably necessary in order to develop evidence; (iv) the witness or potential witness is not permitted to retain the protected information after the witness or potential witness is questioned regarding the protected information; and

g. Any other person who is designated by written stipulation of the Parties or by Order of the Court, after notice to all Parties.

7. Information or material designated “Confidential Information” shall not be shown or disclosed to a person described in paragraphs 6(b), 6(c), 6(f), and 6(g) until after that person is shown this Protective Order and signs and dates a written agreement to be bound by the terms of this Protective Order, which agreement shall be identical to that set forth in Exhibit 1 of this Protective Order. Counsel providing access to Confidential Information shall retain a copy of each such written agreement it obtains. For testifying experts, a copy of such agreement shall be furnished at the time the expert’s designation is served, or at the time Confidential Information is provided to the testifying expert, whichever is later.

8. Notwithstanding any provision contained in Paragraph 6 above and the subparts contained therein, Confidential Information shall not be disclosed to a person currently employed by a customer or competitor of Plaintiffs without giving Plaintiffs ten (10) days advance notice regarding the disclosure, so that Plaintiffs can seek Court action regarding the propriety of the proposed disclosure. Within fourteen (14) days following entry of this Protective Order, Plaintiffs shall provide Defendant with a list of companies that Plaintiffs consider a competitor for purposes of this Order.

9. When disclosing or producing hard copy documents or other information or material containing Confidential Information, Plaintiffs shall affix a label, stamp, or mark on each page of each such document, substantially stating that the information or material is “Confidential Information.” Such labeling, stamping, or marking shall be made prior to producing the information or material to Defendant for inspection or copying.

10. To the extent that Defendant or its counsel creates, develops, or otherwise establishes on any digital or analog machine-readable device, recording media, computers, discs, networks or tapes any information, files, databases, or programs that contain protected

information received from Plaintiffs, it must take reasonable steps to insure that access to that electronic media is properly restricted to those persons who, under the terms of this Protective Order, may have access to the protected information. When disclosing or producing electronic media containing Confidential Information, Plaintiffs shall either affix or associate or link a legend on the media or files thereon referring to “*Confidential Information*” or, if that is not practicable, shall send Defendant’s counsel a letter identifying the information or material that is designated “Confidential Information.”

11. Every person who receives Confidential Information shall:
 - a. Maintain the confidentiality of such information or material;
 - b. Not release or disclose the Confidential Information or the nature, substance, or contents thereof, to any person not entitled to receive such information or material under the terms of this Protective Order; and
 - c. Return or destroy the designated information or material and all copies thereof at the close of this litigation pursuant to the procedures set out in paragraph 20 below.

12. The inadvertent or unintentional failure of Plaintiffs to designate specific information or material as “Confidential Information” shall not be deemed a waiver of Plaintiffs’ claim of confidentiality or right to designate it as such upon discovery of the failure. If Plaintiffs inadvertently fail to stamp or otherwise mark information or material Plaintiffs intended to be designated as “Confidential Information,” Plaintiffs shall promptly upon discovery of their oversight, but in any event within thirty (30) days of disclosure of the purportedly confidential information, provide written notice of the oversight and shall provide substitute information or material that is stamped or otherwise marked as set forth hereunder. Upon notice of any such

failure to designate, Defendant shall return any inadvertently undesignated material in its possession, shall reasonably cooperate to preserve on a going-forward basis the confidentiality of any inadvertently undesignated information or material, and shall make best efforts to obtain from each person and entity to whom Defendant or its counsel has disclosed the protected information who is not otherwise entitled to view the protected information pursuant to the terms of this Protective Order.

13. This Protective Order shall not prevent a Party from applying to the Court: (a) for relief therefrom; (b) for either enlargement or restriction of the rights of access to and/or use of information or material designated as “Confidential Information”; (c) to challenge the propriety of the designation of certain information as “Confidential Information” and/or the procedure for handling the same; (d) for further or additional protective orders; or (e) to modify this Protective Order, subject to the Court’s approval. The burden of proving confidentiality rests with the party seeking confidentiality, as provided in the Federal Rules of Civil Procedure.

14. In the event that Defendant desires to provide access to or disseminate Confidential Information to any person not otherwise entitled to access such information or material, and the Parties cannot agree thereon, then Defendant may move the Court for an order permitting the disclosure for good cause shown.

15. The execution of this Protective Order shall not detract in any way from the right of a Party to object to the production of discovery materials on grounds other than confidentiality.

16. The parties recognize that documents filed with the Court require a higher showing to obtain confidential designation. Therefore, the parties agree that they must seek permission of the Court to file materials under seal. The parties agree that only material that

meets the requirements of Fed.R.Civ.P. 26(c) and the provisions of this Protective Order shall be entitled to be filed under seal. The parties agree to meet and confer no later than thirty (30) days prior to the deadline for filing summary judgment motions regarding what if (any materials) the producing party intends to argue should be filed under seal, in order to enable the producing party to file a motion for protective order with the court concerning the documents (if any). If a party wishes to use any confidential information in any affidavits, briefs, memorandum of law, oral argument, or other papers filed in this court in this litigation, such papers or transcript may be filed under seal only upon separate, specific motion and later order of the court. The party seeking to file a document under seal in this court must follow the procedures set forth in D. Kan. Rule 5.4.6.

17. Nothing contained in this Protective Order shall prevent Plaintiffs from using their own information or material designated as “Confidential Information” or such designated information that is currently in Plaintiffs’ lawful possession, custody, or control, or that later comes into the possession of Plaintiffs from others lawfully in the possession of such protected information who are not parties to this case or otherwise bound by this Protective Order, in any way that it sees fit, or from revealing such information or material to whomever they choose, without prior consent of any person or of the Court.

18. Notwithstanding any provision of this Protective Order, where counsel for Defendant reasonably believes confidential information or documents, either on its face or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant information or documents may be disclosed to the appropriate federal, state, local, foreign, or tribal, law enforcement authority or other appropriate agency charged with the responsibility of investigating or prosecuting such a violation or

enforcing or implementing such law. This includes, but is not limited to, disclosure of information to the IRS for the purposes of administering the tax laws. However, counsel for Defendant shall immediately notify counsel for Plaintiffs of every such disclosure.

19. Nothing in this Protective Order shall be deemed to preclude Defendant from challenging the validity of the confidentiality of any information or material so designated at any time. If Defendant elects to challenge the designation of confidentiality of any information or material pursuant to this Protective Order, Defendant shall notify Plaintiff claiming confidentiality of its challenge, in writing. Within fourteen (14) days of the receipt of such written notice, Plaintiffs will either voluntarily remove the confidential designation or notify Defendant that it will not remove the designation. If an agreement cannot be reached, Plaintiffs may move for a ruling from the Court designating the material as confidential or for other similar protection. Pending consideration of such motion, the information or material shall remain and be treated as Confidential Information until the Court rules on the motion. If the parties disagree about whether the information is confidential and Plaintiffs do not timely move the Court, then the material shall be deemed to be not confidential.

20. Defendant may retain copies of (a) Confidential Information that becomes part of the Court record in this matter, (b) work product of counsel, (c) transcripts, exhibits, and other documents required to be maintained by the DOJ's written record retention policy as necessary for an understanding of the outcome of the case, provided that all material designated as "Confidential Information" pursuant to this Protective Order in such retained material is maintained in accordance with the provisions of this Protective Order. Counsel for Defendant may retain copies, in confidence, of any Confidential Information contained in correspondence, pleadings, discovery, notes, research, or other work product contained in files maintained by the

attorney in the normal course of representing his/her client in the litigation. Notwithstanding the foregoing, upon written request by Plaintiffs, after final termination of this litigation (including the time for any appeal), counsel for Defendant shall arrange for the return of all copies of any and all Confidential Information provided by Plaintiffs that was provided by counsel to any person or entity pursuant to this Protective Order other than such material retained by Defendant pursuant to clauses (a) and (c) above and shall return all such information or material to Plaintiffs, or certify in writing to Plaintiffs that all such information or material has been destroyed. If return of the information or material is requested, all reasonable out-of-pocket costs of such return shall be borne by Plaintiffs.

21. In the event any Confidential Information is used in any hearing in this litigation, it shall not lose its designated status through such use. Testimony taken at a hearing may be designated as confidential by making a statement to that effect on the record at the hearing, or by designating such testimony as confidential within fourteen (14) days of Plaintiffs' receipt of the transcript. The entry of this Protective Order shall not be construed to broaden or narrow any Party's obligation to produce information pursuant to the applicable rules of discovery. Nothing in this Protective Order shall be construed as a waiver of any right to object to the production of information in response to discovery.

22. This Protective Order does not govern use of Confidential Information at any trial in this litigation. Nothing in this Protective Order shall prevent a Party from using any Confidential Information at any hearing or trial or any proceeding in this litigation subject to such limitations as the Court may impose upon proper application.

23. Notwithstanding any provision of this Stipulation, the parties may disclose Confidential Information or documents if necessary to comply with a subpoena or court order,

whether or not originating with the Court in this action. Within fourteen (14) days of when it is recognized that disclosure of Confidential Information or documents is required to comply with a subpoena or court order, the party shall give prompt written notice to the designating party of the impending disclosure, unless otherwise prohibited by law.

24. The inadvertent production of any discovery material by Plaintiffs shall be without prejudice to any claim by Plaintiffs that the material is privileged or is protected by the work product doctrine or trial preparation materials doctrine or similar doctrines and shall not necessarily be deemed a waiver of any such privilege or protection. If, after discovery materials are disclosed, Plaintiffs notify Defendant of a claim that materials are protected by the attorney-client privilege or attorney work product or trial preparation materials doctrine or any other applicable privilege or protection, Defendant shall not make any use of the contested material, shall return all copies of the material to Plaintiffs, and shall delete any versions of such inadvertently produced material maintained in electronic form. Once Plaintiffs request that Defendant return the inadvertently produced material and at all times thereafter, Defendant shall neither refer to the privileged or protected material in any manner (whether written or oral, in any interrogatory, request for admission, document request, interview, deposition, oral argument, trial or submissions to the Court) nor disclose the substance of that material to any third party, except that Defendant may reference the claimed privileged or protected material in an in camera filing with the Court challenging such claim of privilege or protection. Any such discovery material shall be treated as privileged until such time that this Court rules that such discovery material should not be treated as protected by any privilege or the work product doctrine, trial preparation materials doctrine, or similar doctrines. Plaintiff must notify Defendant of the

inadvertent disclosure as soon as reasonably practicable after discovery of the inadvertent disclosure.

25. Violation by any party of any provision of this Protective Order may, as circumstances warrant in the Court's discretion, be subject to relief as the Court orders.

26. Nothing in this Protective Order shall prevent disclosure of any Confidential Information if Plaintiffs consent in writing to the disclosure

27. The Court reserves the power and authority to remove documents from the scope of this Protective Order if it finds that such information does not constitute information or material properly protected by this Protective Order. Upon written agreement of the parties affected by a particular issue concerning confidentiality under this Order, any term of this Protective Order may be modified.

28. This Protective Order shall survive the final disposition of this case as to any party, whether by judgment, dismissal, settlement, appeal, or otherwise. But consistent with the protective order guidelines posted on the court's website, the court's jurisdiction to enforce the provisions of this protective order shall be terminated upon the final disposition of this case, unless and until a party seeks leave to reopen the case to enforce the provisions of this protective order.

SO ORDERED.

s/ James P. O'Hara

James P. O'Hara

U.S. Magistrate Judge

EXHIBIT 1

I, _____, certify that I have read the Protective Confidentiality Order dated _____, 2012, entered by the United District Court for the District of Kansas in the matter of Ash Grove Cement Company, et al. v. United States of America, Case No. 11-CV-02546. The Protective Order has been fully explained to me, and I further certify that I fully understand the procedural and substantive requirements of the Protective Order, a copy of which is attached hereto. Before reviewing or receiving access to any document, material, information and/or discovery subject to the protection of the Protective Order and as a condition for such review and/or access, I understand and agree that I am personally bound by and subject to all of the terms and provisions of the Protective Order. I certify that I will abide by the all of the terms and provisions of the Protective Order, and I subject myself to the jurisdiction and venue of said Court for purposes of enforcement of the Protective Order.

(Signature)

JOHN A. DiCICCO
Principal Deputy Assistant Attorney General

RICK WATSON
Trial Attorney, Tax Division
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Telephone: (202) 353-0300
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Attorneys for the United States

FLORENCE NAKAKUNI
United States Attorney
District of Hawaii
Of Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ASSOCIATION OF APARTMENT OWNERS
OF ALI'I LANI, by its Board of
Directors,

Plaintiff,

v.

CHARLEY CHALEUNVONG; MANTHA
CHALEUNVONG; UNITED STATES OF
AMERICA, DEPARTMENT OF TREASURY,
IRS; THE BANK OF NEW YORK MELLON,
as Trustee for the Certificate
holders of CWALT, INC., Alt. Loan
Trust 2005-40CB, Mort. Pass-
Through Cert., Series 2005-40CB;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., as nominee for
COUNTRYWIDE HOME LOANS, INC., a
New York Corp.; JOHN DOES 1-5;
JANE DOES 1-5; DOE PARTNERSHIPS
1-5; DOE CORPORATIONS 1-5; and
DOE GOVERNMENTAL UNITS 1-5;

Defendants

Case: 1:11-cv-703-DAE-RLP

**ORDER GRANTING JOINT MOTION
TO REMAND CASE TO STATE
COURT**

Before the Court is the joint motion of the Plaintiff and the United States of America to remand this case to the Circuit Court of the Third Circuit, State of Hawaii. Upon review of the motion, the papers filed in support thereof, the lack of opposition thereto, and the rest of the record herein, and good cause having been shown, the motion is hereby GRANTED.

It is hereby ORDERED that this action be remanded to the Circuit Court of the Third Circuit, State of Hawaii for further proceedings; and it is further ORDERED, that the Clerk of Court shall send a copy of this order and a copy of the docket to the Clerk of Circuit Court of the Third Circuit, State of Hawaii.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, FEBRUARY 22, 2012.



A handwritten signature in black ink, appearing to read "Richard L. Puglisi".

Richard L. Puglisi
United States Magistrate Judge

AOAO OF ALI'I LANI V. CHALEUNVONG ET AL.; CIVIL NO. 11-00703 DAE-RLP; ORDER GRANTING JOINT MOTION TO REMAND CASE TO STATE COURT

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MURRAY BEER, ET AL.,	:	
	:	
Plaintiffs,	:	Civil Action No. 11-4218 (FSH)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	ORDER ON INFORMAL APPLICATION
	:	
Defendant.	:	

This matter having come before the Court by way of letters dated February 21, 2012, regarding certain discovery disputes that the parties seek to have resolved;

and the Court having entered an Order dated November 10, 2011 that specifically set forth the format in which the parties are required to raise discovery disputes;¹

and it appearing that the February 21, 2012 letters were not submitted in the format required for raising discovery disputes;

¹ The Court set forth a specific format for raising discovery disputes that requires the parties to both confer and work together in good faith to resolve and present discovery disputes. Moreover, the required format assists the Court to efficiently resolve the disputes and ensures that the necessary information is presented in a concise fashion. The Order requires that

Counsel shall confer in a good faith attempt to informally resolve any and all discovery disputes before seeking the Court's intervention. Should such informal effort fail to resolve the dispute, the matter shall be brought to the Court's attention via a joint letter that sets forth: (a) the request, (b) the response; (c) efforts to resolve the dispute; (d) why the complaining party believes the information is relevant and why the responding party's response continues to be deficient; and (e) why the responding party believes the response is sufficient. No further submissions regarding the dispute may be submitted without leave of Court. If necessary, the Court will thereafter schedule a telephone conference to resolve the dispute.

and the Court directing the parties to meet and confer in-person or via telephone in a good faith effort to resolve these disputes;

and the Court notifying the parties that exchanges of written submissions alone will not satisfy the “meet and confer” requirements;

and for the reasons set forth herein;

IT IS ON THIS 21st day of February, 2012

ORDERED that the request for relief embodied in the plaintiffs’ letter dated February 21, 2012 is denied without prejudice;

IT IS FURTHER ORDERED that the discovery disputes raised in the letter dated February 21, 2012 shall be presented, no later than **March 1, 2012 at 2:00 p.m.** via the joint letter protocol set forth in the Pretrial Scheduling Order.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE

1 JOHN A. DICICCO
Principal Deputy Assistant Attorney General

2 VIRGINIA CRONAN LOWE
3 Trial Attorney, Tax Division
4 U.S. Department of Justice
5 P.O. Box 683
6 Ben Franklin Station
7 Washington, D.C. 20044
8 Telephone: (202) 307-6484
9 email: virginiacronan.lowe@usdoj.gov

7 Of Counsel:
DANIEL BOGDEN
8 United States Attorney

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

12	HOWARD BERGMAN,)	
13)	
14	Plaintiff,)	
15	v.	)	Civil No. 2:10 CV 00111-JCM (PAL)
16	UNITED STATES OF AMERICA,)	
17	Defendant.	)	STIPULATION FOR DISMISSAL
18	_____)		

18 The plaintiff, Howard Bergman, and the defendant, the United States of America, by and
19 through their undersigned attorneys, hereby stipulate that the complaint in the above-entitled case be

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1 dismissed with prejudice, the parties to bear their respective costs, including any possible attorneys' fees or
2 other expenses of this litigation.

3 Dated: February 22, 2012

4
5 JOHN A. DICICCO
Principal Deputy Assistant Attorney General

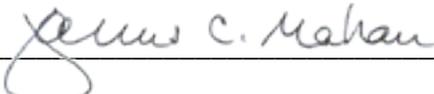
THOMAS E. CROWE PROFESSIONAL
LAW CORPORATION

6
7 /s/ Virginia Cronan Lowe
VIRGINIA CRONAN LOWE
Trial Attorney, Tax Division
8 U.S. Department of Justice

/s/ Thomas E. Crowe
THOMAS E. CROWE
Nevada Bar No. 3048
2830 S. Jones Blvd.
Suite 3
Las Vegas, NV 89146
Telephone: (702) 794-0373
Attorney for Plaintiff

9 Of Counsel:
10 DANIEL BOGDEN
United States Attorney

11 IT IS SO ORDERED:

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13 
14 UNITED STATES DISTRICT JUDGE

15 February 22, 2012
16 DATED: _____

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

GERALD D. CATER,)	
)	
Plaintiff,)	
)	
v.	)	Case No.: 4:09-CV-754-VEH
)	
THE UNITED STATES OF)	
AMERICA,)	
)	
Defendant.)	

**ORDER SUSTAINING OBJECTION (DOC. 30);
DENYING PRETRIAL MOTION (DOC. 32)**

Gerald D. Cater (“Cater”) initiated this tax refund action against the United States of America (“United States”) on April 20, 2009. The case is set for a jury trial before the undersigned, beginning February 27, 2012.

Pending before the Court is the United States’ Objection to Presentation of Testimony of Grover Bradley Wood by Means of a Deposition. (Doc. 30). Cater has responded by filing a Pretrial Motion.¹ (Doc. 32). In the Pretrial Motion, Cater asks the court to “allow[] the testimony of Woods [sic] by deposition.” (Doc. 32).

¹ Cater failed to file the Pretrial Motion but sent it, on February 16, 2012, by email to chambers of the undersigned, with a copy to counsel for the United States. The court has directed the clerk of court to file the document in and mark it “deemed received February 16, 2012,” or words to that effect.

The court held a telephonic conference with counsel on February 21, 2012. For the reasons set out below, and as stated during the telephone conference, the United States' Objection is **SUSTAINED** and the Pretrial Motion is **DENIED**.

The United States seeks to exclude Cater from using the deposition of Grover Bradley Wood ("Wood") in lieu of live testimony. The United States argues that such a use of Wood's deposition is impermissible because Cater has not met the prerequisites of Federal Rule of Civil Procedure 32(a)(4). Since this is the sole basis for the United States' challenge, an examination of the rule is necessary.

Under Rule 32(a)(4) "[a] party may use for any purpose the deposition of a witness, whether or not a party, if the court finds:

- (A) that the witness is dead;
- (B) that the witness is more than 100 miles from the place of hearing or trial or is outside the United States, unless it appears that the witness's absence was procured by the party offering the deposition;
- (C) that the witness cannot attend or testify because of age, illness, infirmity, or imprisonment;
- (D) that the party offering the deposition could not procure the witness's attendance by subpoena; or
- (E) on motion and notice, that exceptional circumstances make it desirable—in the interest of justice and with due regard to the importance of live testimony in open court—to permit the deposition to be used.

FED. R. CIV. P. 32(a)(4).

"The burden of showing the witness's unavailability ... rests with the party seeking to introduce the deposition." *Jauch v. Corley*, 830 F.2d 47, 50 (5th Cir.1987).

Cater argues that Wood is unavailable because , on January 27, 2012, at his deposition,

Mr. Wood testified(at page 9 and 10) of [sic] his continuing health problems, including strokes, four heart stents and heart problems, brain tumors and unmanageable diabetes, as well as periodic memory lapses. Upon information and belief, Mr. Wood's health problems continued to deteriorate and his whereabouts are unknown.

(Doc. 32).

However, during the telephone conference, counsel for the United States stated that it had located Mr. Wood, had spoken to him, that he was within 100 miles of the location of the trial, and that he was willing (albeit not eager) to appear to testify at trial. Further, United States' counsel stated that this information had been conveyed to Cater's counsel shortly before the telephone conference.

In light of these representations, the court finds that Cater has failed to demonstrate that Wood is "unavailable." The court has considered Cater's argument that these facts constitute "exceptional circumstances" such that Rule 32(a)(4)(E) has been met. The court finds that the facts as alleged, without more, do not show the existence of "exceptional circumstances." Therefore, the United States' objection is due to be, and hereby is, **SUSTAINED**. Accordingly, Cater's Pretrial Motion is **DENIED**.

This ruling is subject to revision at trial if the necessary facts are shown to exist. If such facts are shown to exist, the United States should be ready to designate those

portions of Wood's deposition which it seeks to have entered. *See* FED. R. CIV. P. 32(a)(6); *see also* FED. R. EVID. 106.

DONE and **ORDERED** this the 22nd day of February, 2012.



VIRGINIA EMERSON HOPKINS

United States District Judge

ORIGINAL

In the United States Court of Federal Claims

No. 11-717 T

(Filed February 21, 2012)

FILED

FEB 21 2012

U.S. COURT OF FEDERAL CLAIMS

KENNETH D. CHRISTMAN and *
SALLY CHRISTMAN, *

Pro Se Plaintiffs, *

v. *

THE UNITED STATES, *

Defendant. *

ORDER

On February 13, 2012, defendant filed an Unopposed Motion for an Enlargement of Time of twenty-one days, to and including March 9, 2012, for the parties to file the Joint Preliminary Status Report (JPSR) in this matter. For good cause shown, it is hereby **ORDERED** that defendant's motion is **GRANTED** and the parties shall **FILE** a **Joint Preliminary Status Report**, pursuant to Appendix A, ¶ 4 of the court's rules, on or before **March 9, 2012**.


LYNN J. BUSH
Judge

FILED
Clerk
District Court

FEB 22 2012

IN THE UNITED STATES DISTRICT COURT ^{For The Northern Mariana Islands}
By _____
(Deputy Clerk)
FOR THE NORTHERN MARIANA ISLANDS

CLASTON, LLC by and through)
SUNSET HOLDINGS, LLC)
)
Plaintiff,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

Case 1:08-cv-00048

ORDER GRANTING UNOPPOSED
MOTION TO FILE A SINGLE
OVERLENGTH RESPONSE TO
DEFENDANT'S MOTIONS *IN LIMINE*

The Court, having reviewed PLAINTIFF'S UNOPPOSED MOTION TO FILE A SINGLE
OVERLENGTH RESPONSE TO DEFENDANT'S MOTIONS *IN LIMINE*, and good cause appearing
therefor, hereby GRANTS the motion. Plaintiff's single, over-length response to both motions shall not
exceed 40 pages.

SO ORDERED on February 22, 2012.



RAMONA V. MANGLONA, Chief Judge

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In the United States Court of Federal Claims

No. 07-147T
(Filed: February 22, 2012)

GLEN W. CORKILL,)
)
)
 Plaintiff,)
)
 v.)
)
 THE UNITED STATES,)
)
 Defendant.)

ORDER

Based on the representations in the parties' joint status report, filed February 22, 2012, the parties shall file a joint status report by **April 3, 2012**, indicating the progress made towards a final settlement or a proposed schedule for litigating the remaining income averaging claims.

IT IS SO ORDERED.

s/Nancy B. Firestone
NANCY B. FIRESTONE
Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 1:11-cv-00060-MP-GRJ

WILLIAM J DICKERT,

Defendant.

AMENDED ORDER

This order vacates and amends the order entered at Doc. 51 on February 21, 2012. This matter is before the Court on Doc. 49, defendant's Motion for Enlargement of Time to File Motion for Summary Judgment, seeking an extension of time until March 9, 2012. This matter has not yet been set for trial, and this brief delay is not likely to affect the eventual trial date. Also, the pretrial conference, set for April 9, 2012, will still be held at the currently set date and time. In its response at Doc. 50, the government does not object to the enlargement of time for filing the motion for summary judgment. Also, although defendant touches upon certain discovery issues in the motion, he has not actually requested any relief regarding discovery or the discovery deadline at this time.

Accordingly, it is now **ORDERED** as follows:

The motion for extension of time to file a motion for summary judgment, Doc. 49, is granted, and defendant shall have until March 9, 2012, to file his motion. All other dates and deadlines, including discovery and the pretrial conference date, remain in full force and effect.

The Order at Doc. 51 is vacated.

DONE AND ORDERED this 22nd day of February, 2012.

s/ Gary R. Jones
GARY R. JONES
United States Magistrate Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	
)	
JASMINE GUY,	)	Case No. 11-65212-JRS
)	
Debtor.	)	Chapter 7
)	
)	
)	

JASMINE GUY,	
Movant,	
vs.	CONTESTED MATTER
INTERNAL REVENUE SERVICE,	
Respondent.	

ORDER

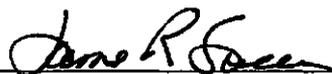
After reviewing Debtor's Counsel's Motion for Extension and an agreed Stipulation by the parties and no objections from Respondent, Internal Revenue Service,

IT IS SO ORDERED that Debtor's Motion for Extension of Time is GRANTED.

1. Debtor's Counsel is granted a 30 day extension of time to file a Response to Respondent Internal Revenue Service's Motion to Dismiss Or, In the Alternative, To Abstain From Adjudicating Movant Jasmine's Guy's Motion to Determine

Tax Liability Pursuant to 11 U.S.C. §505(a)(1) from **February 29, 2012 to March 30, 2012**. Respondent's Counsel is granted 20 days to file a Response to Debtor's Counsel Response from ^{JRS} **March 30, 2012** to ^{JRS} **April 9, 2012**.

IT IS SO ORDERED, this 21st day of February, 2012



Judge James R. Sacca
United States District Court Judge
for the Northern District of Georgia

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	
)	
JASMINE GUY,	)	Case No. 11-65212-JRS
)	
Debtor.	)	Chapter 7
)	
)	
)	

DISTRIBUTION LIST

The Clerk is directed to serve copies of this Order on the persons on this Distribution List.

Ms. Martha A. Miller
Chapter 7 Trustee
Martha A. Miller, P.C.
229 Peachtree Street, NE
Suite 2415
Atlanta, GA 30303

Office of the United State Trustee
Room 362, United States Courthouse
75 Spring Street, SW
Atlanta, GA 30303

United States Attorney General
Main Justice Building
10th and Constitution Avenue, NW
Washington, D.C. 20530

Department of Justice - Tax Division
Attn.: Chief, Civil Trial Section, Southern
Region
P.O. Box 14198
Ben Franklin Station
Washington, D.C. 20044
U.S. Attorney
Northern District of Georgia
Civil Division, Attn: Civil Clerk

Gregory A. Robinson (Admitted Pro Hac Vice)
FARLEY, ROBINSON & LARSEN
6040 North 7th Street, Suite 300
Phoenix, Arizona 85014
602.265.6666
Fax: 602-264-5116
Email: us@lawfrl.com

T. Robert Lee (USB #11702)
HEIDEMAN, MCKAY, HEUGLEY & OLSEN, L.L.C.
397 North Main Street
Spanish Fork, Utah 84660
Telephone: (801) 812-1000
Email: trlee@hmho-law.com
Attorneys for Defendant Nathan W. Gwilliam

FILED
U.S. DISTRICT COURT

2012 FEB 22 A 10: 21

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN W. GWILLIAM,

Defendant.

CIVIL NO. 2:11-cv-922 DS

ORDER

**(Assigned to the Honorable Judge
David Sam)**

This Court, having reviewed Defendant Nathan W. Gwilliam's Motion to Dismiss, the memoranda offered in support of and opposition to the Motion, and the arguments of counsel, IT IS ORDERED that the Motion is GRANTED and the case is dismissed with prejudice.

DATED this 22nd day of February, 2012.



Honorable David Sam



Dated: February 22, 2012, 01:35

The following is ORDERED:

T.M. Weaver
United States Bankruptcy Judge

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

IN RE:)	
)	
RICKEY ALLEN NAYLOR, and	)	BK. NO. 09-14426-TMW
CYNTHIA ELAINE NAYLOR,	)	Chapter 7
)	
Debtors,)	

**ORDER TO RETURN ASSETS
NOT PART OF DEBTORS' ESTATE**

On this day, the Application By Trustee To Return Assets Not Part Of Debtors' Estate comes on for consideration. Based upon representation of the Trustee:

1. The Debtors' 2009 Federal Income Tax refund was received by the Trustee directly from the I.R.S. as per the Trustee's request, and deposited into the Trustee Trust Account.
2. The amount received from the I.R.S. was \$10,038.82 more than that owed to the Debtors' bankruptcy estate for administration and distribution to the unsecured claims creditors, by the Trustee.
3. The Application was filed on January 23, 2012, and was served, by the Court's CM/ECF electronic filing system, on Charles S. Glidewell, U.S. Trustee's Office, and to the attorney of record for the Debtors, Gary D. Hammon, and by U.S. Mail to all parties listed on the mailing matrix on file with the Bankruptcy Court Clerk..

4. The time within which to object or otherwise respond to the Application expired February 9, 2012.

5. No objection to the Application was timely filed or served upon the Trustee or counsel for the Trustee within the fourteen (14) days prescribed by Rule 9013 of the Local Bankruptcy Rules and the additional three (3) days for mailing allowed pursuant to F.R.Bankr.P. 9006(f).

Wherefore, it is HEREBY ORDERED, ADJUDGED, and DECREED that the Trustee shall return \$10,038.82 to the Debtors, as an asset not part of the Debtors' bankruptcy estate.

*The findings of fact in this Order are based upon representation of counsel.
Local Rule 9013(i)(3).*

###

APPROVED:

/s/ Robert A. Brown

Robert A. Brown, Trustee, OBA# 11235
123 West 7th Avenue, Suite 102
Stillwater, Ok 74074
405.377.8185
bob@bobbrownattorney.com

/s/ Marjorie J. Creasey

Marjorie J. Creasey, OBA#17819
Office of the United States Trustee
215 Dean A. McGee Ave., Room 408
Oklahoma City, OK 73102
405-231-4393/231-5958 [fax]
Marjorie.creasey@usdoj.gov

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
JAMES BERNARD FLACH JR.) BK. NO. 10-12986-KL2-13
163 New Lane) JUDGE LUNDIN
Gainesboro, TN 38562)
SSN: XXX-XX-)
)
DEBTORS)

ORDER DISMISSING CASE

This matter came to be heard on February 16, 2012, continued from December 1, 2011, continued from August 25, 2011, continued from July 28, 2011, upon the Trustee's Motion to Dismiss for cause for the debtor's failure to disclose liabilities. At the call of the docket, counsel for the debtor announced that he could no longer oppose the Trustee's Motion to Dismiss. Accordingly, based upon this announcement, the Court finds it appropriate to grant the Trustee's motion, and it is

ORDERED, the above-styled case is dismissed for the debtor's failure to disclose liabilities.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY
AS INDICATED AT THE TOP OF THE FIRST PAGE.

APPROVED BY:

/s/ Tracy L. Schweitzer
Tracy L. Schweitzer
Counsel to Standing Chapter 13 Trustee
P. O. Box 190664
Nashville, TN 37219-0664
615-244-1101; Fax 615-242-3241
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been placed in the United States mail, postage prepaid, or otherwise dependably delivered including electronic case noticing, to James B. Flach Jr., 163 New Lane, Gainesboro, TN 38562; Steven L. Lefkovitz, 618 Church St., Ste. 410, Nashville, TN 37219; and Beth R. Derrick, Asst. U.S. Trustee, 701 Broadway, 318 Customs House, Nashville, TN 37203 on this 22nd day of February, 2012.

/s/ Tracy L. Schweitzer
Tracy L. Schweitzer
Counsel to Standing Chapter 13 Trustee

B18 (Official Form 18) (12/07)

United States Bankruptcy Court

WESTERN DISTRICT OF PENNSYLVANIA

Case No. 09-21594-CMB

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Mark Leach
688 Maple Drive
Monongahela, PA 15063

Social Security / Individual Taxpayer ID No.:

xxx-xx

Employer Tax ID / Other nos.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 2/22/12

Carlota M. Bohm
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

**EXPLANATION OF BANKRUPTCY DISCHARGE
IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts That are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF PUERTO RICO

IN RE:

MIGUEL A SOTO PEREZ

NORMA I PADUA PEREZ

PRODUCTOS CARTIMANI

XXX-XX-

XXX-XX-

[Redacted]

Debtor(s)

CASE NO. 09-07827 ESL

Chapter 12

CASE NO. 09-07829 ESL

Chapter 12

FILED & ENTERED ON 02/22/2012

ORDER

The motion filed by the United States of America (IRS) withdrawing its motion to dismiss (docket #89) is hereby granted. The hearing set for March 21, 2012 IS VACATED AND SET ASIDE.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 22nd day of February, 2012.

Enrique S. Lamoutte Inclan
U.S. Bankruptcy Judge

CC: all creditors

In the United States Court of Federal Claims

No. 10-192T

(Filed: February 22, 2012)

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

ORDER

On February 22, 2012, the Court held a telephonic status conference with counsel for the parties to discuss any outstanding issues related to the parties' attempts to resolve certain privilege claims in connection with discovery in this case. During the status conference, counsel informed the Court that they likely will be submitting certain documents for the Court's *in camera* review to determine whether the documents are, in fact, privileged. In connection with any documents so submitted, the Court authorizes the parties to file the documents and supporting position papers under seal.

IT IS SO ORDERED.

s/Thomas C. Wheeler
 THOMAS C. WHEELER
 Judge

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

IN RE: JOSEPH WAYNE SHARP)	
)	
Debtor.	)	Bk. No. 8:10-bk-00648-MGW
)	
	)	Chapter 7
_____)	
)	
JOSEPH WAYNE SHARP)	
)	
Plaintiff,)	
)	
v.	)	Adversary No. 8:11-ap-00505-MGW
)	
UNITED STATES OF AMERICA)	
)	
Defendant.)	

ORDER GRANTING THE UNITED STATES’ MOTION TO DISMISS COUNTS II AND III OF PLAINTIFF’S [SECOND] AMENDED COMPLAINT TO DETERMINE DISCHARGEABILITY OF TAXES

This matter comes before the Court on the United States’ Motion to Dismiss Counts II and III of Plaintiff’s [Second] Amended Complaint to Determine Dischargeability of Taxes (Doc. 26). The Court held a hearing on the motion on February 9, 2012, at 10:30 a.m.

Based on the arguments of counsel and for the reasons stated in open court, the Court lacks subject matter jurisdiction over Counts II and III of plaintiff’s [second] amended complaint (Doc 18). Specifically, the relief sought in Count II is barred by the Anti-Injunction Act, 26 U.S.C. § 7421(a), and the United States has not waived its sovereign immunity with respect to Count III because plaintiff failed to exhaust his administrative remedies under 26 U.S.C. § 7433(d)(1). Accordingly, it is hereby

ORDERED that:

1. The United States' Motion to Dismiss Counts II and III of Plaintiff's [Second] Amended Complaint to Determine Dischargeability of Taxes is **GRANTED**; and
2. That plaintiff may file an amended complaint within 20 days of the date of this Order.

DONE and **ORDERED** in Tampa, Florida on February 22, 2012 _____.



MICHAEL G. WILLIAMSON
United States Bankruptcy Judge

Copies furnished to:

Attorney for the United States:
Thomas K. Vanaskie
P.O. Box 14198
Washington, D.C. 20044

Attorney for Plaintiff:
Keith Johnson, Esq.
Johnson & Johnson, P.A.
8810 Goodby's Executive Drive
Suite A
Jacksonville, FL 32210

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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

THOMAS L. SPEAR,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. CV 11-01742 PHX PGR

**ORDER RE: LEAVE TO AMEND
COMPLAINT**

(Quiet Title)

The Court having received and reviewed Plaintiff’s Motion to for Leave to Amend,
and good cause appearing,

IT IS ORDERED that the plaintiff may amend its Complaint in the form of the
proposed First Amended Complaint submitted with the Motion for Leave to Amend.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

John Dargan Stanton, III,

Case No. 8:11-bk-22675-MGW

Debtor.
_____ /

**ORDER GRANTING UNITED STATES TRUSTEE'S
MOTION TO DISMISS OR CONVERT CHAPTER 11 CASE
OR APPOINT A CHAPTER 11 TRUSTEE**

THIS CAUSE came on for hearing on February 22, 2012 to consider the United States Trustee's Motion to Dismiss or Convert Chapter 11 Case or Appoint a Chapter 11 Trustee (Doc. No. 45). The Court heard arguments of counsel, considered the record, and for the reasons stated orally and recorded in open Court is satisfied that the motion should be granted and the case converted to chapter 7. Accordingly, it is

ORDERED that the United States Trustee's Motion to Dismiss or Convert Chapter 11 Case is granted and by separate order the Court shall enter an order converting the case to chapter 7.

DONE and ORDERED this February 22, 2012.



MICHAEL G. WILLIAMSON
U.S. Bankruptcy Judge

copies to:

Debtor, Debtor's Counsel, United States Trustee, All Creditors

[811conv7] [ORDER CONVERTING CASE TO CHAPTER 7]

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

Case No. 8:11-bk-22675-MGW
Chapter 11

John Dargan Stanton III
322 Roebing Rd. S
Belleair, FL 33756

Debtor* /

ORDER CONVERTING CASE TO CHAPTER 7

THIS CASE came on for hearing upon a Motion to Dismiss or Convert ("Motion") filed by United States Trustee's Office . The Court heard argument of counsel, considered the record and determined that it is in the best interest of creditors and the estate to convert the case to one under Chapter 7. Accordingly, it is

ORDERED:

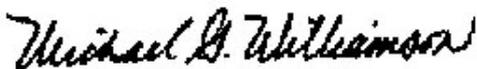
1. The Motion is hereby granted. Pursuant to 11 U.S.C. Section 1112, this case is converted to Chapter 7 of the Bankruptcy Code.
2. All orders authorizing the Debtor-in-Possession to manage individual financial affairs or to continue to do business are rescinded.
3. All committees appointed pursuant to 11 U.S.C Section 1102, if any, are dissolved.
4. The Debtor-in-Possession shall file a schedule of unpaid debts incurred after the commencement of a Chapter 11 case pursuant to Fed. R. Bankr. P. 1019(5) within fourteen (14) days from the date of entry of this Order. The schedule of unpaid debts must contain a declaration of the Debtor in accordance with Fed. R. Bankr. P. 1008, list only the debts incurred after the commencement of the Chapter 11 case, and properly identify the schedule under which the debt is listed. If no unpaid debts exist, the Debtor shall file a verified statement to that effect. The Statement of Intention, if required, shall be filed within thirty (30) days following the entry of this Order or before the first date set for the meeting of creditors, whichever is earlier. The Debtor should not file a complete set of new schedules or a petition unless the schedules were not previously filed. Any amendments to the petition and schedules must comply with Fed. R. Bankr. P. 1008 and Fed. R. Bankr. P. 1009. If the Debtor fails to file the required documents, the Court will enter an order withholding the Debtor's discharge without further notice or hearing. Upon the filing of the schedule of unpaid debts, the Debtor is directed to serve any additional creditors with a copy of the original Notice of Bankruptcy Case, Meeting of Creditors and Deadlines (Section 341 Meeting Notice) containing the Debtor's full social security number and file proof of such service with the Court.

5. Rulings on any pending motions to lift the automatic stay are deferred and the automatic stay is extended in order to enable the Chapter 7 Trustee to respond. The moving party is directed to serve the Chapter 7 Trustee with a copy of the motion within seven (7) days of the date of entry of this Order and file the appropriate certificate of service with the Court. The Chapter 7 Trustee shall file a response to the motion, within twenty-one (21) days from the date of service of the motion. If the response challenges the right to relief the movant seeks, a hearing may be scheduled; however, if no response is filed or the response admits the movant's right to relief, the Court will consider the entry of an order without a hearing.

6. All pending hearings in the general case are cancelled.

BY THE COURT

Dated: February 22, 2012



Michael G. Williamson
United States Bankruptcy Judge

*All references to "Debtor" shall include and refer to both of the debtors in a case filed jointly by two individuals.

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RITCHIE N. STEVENS and JULIE KEEN-STEVENSON,
Plaintiffs,
vs.
LL BRADFORD, INC., UNITED STATES OF AMERICA,
Defendants.

Case No. 2:12-cv-00030-ECR-GWF
ORDER

This matter is before the Court on the parties' failure to file a Joint Status Report. The Minutes of the Court dated January 9, 2012, required the parties to file a Joint Status Report regarding removed action no later than February 11, 2012. To date the parties have not complied. Accordingly,

IT IS ORDERED counsel for the parties shall file a Joint Status Report no later than **March 5, 2012**, which must:

1. Set forth the status of this action, including a list of any pending motions and/or other matters which require the attention of this court.
2. Include a statement by counsel of action required to be taken by this court.
3. Include as attachments copies of any pending motions, responses and replies thereto and/or any other matters requiring the court's attention not previously attached to the notice of removal.

...
...

1 Failure to comply may result in the issuance of an order to show cause why sanctions should not be
2 imposed.

3 DATED this 22nd day of February, 2012.

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6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

HAROLD D. VICENTE, and LUZ IRAIDA
GONZALEZ-TURULL,

Defendant.

CIVIL NO. 12-1074 (JAG)

ORDER TO SHOW CAUSE

Upon the United States' ex parte motion for the issuance of an order to show cause (Docket No. 6), and upon consideration of the United States' petition to enforce two Internal Revenue summonses, with the declaration of Internal Revenue Service Agent Edwin Morales (collectively filed under Docket No. 1) and the United States' memorandum filed in support thereof (Docket No. 2), it is

ORDERED that the United States' ex parte motion referenced above is Granted; and it is further

ORDERED that respondents HAROLD D. VICENTE and LUZ IRAIDA GONZALEZ-TURULL ("Respondents") shall each appear before the United States District Court for the District of Puerto Rico, Courtroom 11, at the Clemente Ruiz-Nazario U.S. Courthouse & Federico Degetau Federal Building, 150 Carlos Chardon Street, Hato Rey, Puerto Rico 00918, on the 30th day of March 2012, at 10:00 a.m., and show cause why each should not be compelled to obey the Internal Revenue Service summons addressed to and served upon them as identified in the United States' petition and the February 6, 2012 declaration of Revenue Agent Edwin Morales; and it is further

ORDERED that a copy of this Order, together with copies of the United States' Petition, the February 6, 2012 declaration of Revenue Agent Morales, and the United States' memorandum

U. S.A. v. Harold D. Vicente, and Luz Iraidia Gonzalez-Turull
Civil No. 12-1074 (JAG)
Order to Show Cause
Page 2

in support of the petition to enforce, be served on Respondents, within 15 days that this order is entered on the Court's docket, by either:

- (A) delivering copies of the foregoing documents on HAROLD D. VICENTE, and LUZ IRAIDA GONZALEZ-TURULL personally; or
- (B) by leaving copies of the documents for Respondents at their dwelling or usual place of abode with someone of suitable age and discretion who resides there,¹ and it is further

ORDERED that the Clerk of the Court shall neither prepare a summons nor forward the Petition to the United States Marshal as set forth in Rule 4(b) and (c) of the Federal Rules of Civil Procedure; and it is further

ORDERED that pursuant to Fed.R.Civ.P. 4.1, Internal Revenue Agent Edwin Morales, or other revenue agent or officer employed by the Internal Revenue Service, is specially appointed to personally serve the documents identified above on Respondents in connection with the above captioned matter; and is further

ORDERED that within 15 days of service of a copy of this Order, along with the petition to enforce the summonses at issue, the February 6, 2012 declaration of Agent Morales and the United States' memorandum in support of its petition to enforce, Respondents shall each file with the Court and serve on Government counsel a written response to the petition supported by appropriate affidavit(s), as well as any motions Respondents desire to make; and it is further

ORDERED that all motions and issues raised by Respondents will be considered upon the return date (set forth above) of this Order; that only those issues raised by motion or brought into controversy by the responsive leading, and supported by affidavit(s), will be considered at the

¹ See Fed.R.Civ.P. 4(e)(2)(A)-(B).

U. S.A. v. Harold D. Vicente, and Luz Iraidia Gonzalez-Turull
Civil No. 12-1074 (JAG)
Order to Show Cause
Page 3

return date of this Order; that any uncontested allegations in the petition will be considered as admitted for purposes of this enforcement proceeding; that affidavits in opposition to the petition or in support of any motion shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein; and that any affidavit failing to comply with this standard shall not be considered by the Court; and it is further

ORDERED that the United States is granted leave to file a reply or response, without page restrictions, to any opposition to the petition to enforce the summonses, or to any motion that may be made by either or both Respondents; and it is further

ORDERED that if either or both Respondents have no objection to compliance with the summonses served on them, each shall, at least 10 business days prior to the hearing scheduled above, notify the Clerk of this Court, in writing, with a copy to be sent by overnight mail to the Tax Division, United States Department of Justice, 555 4th Street, N.W., Room 6832, Washington, D.C. 20001 (Attn: Trial Attorney Charles M. Flesch), of that fact and each will not then be required to respond or appear as ordered above.

In San Juan, Puerto Rico, this 22th day of February 2012.

s/CAMILLE L. VELEZ-RIVE
CAMILLE L. VELEZ-RIVE
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. 4:12-CV-108-JAR
)	
JAMES L. WATTS, et al.,)	
)	
Defendants.)	

ORDER

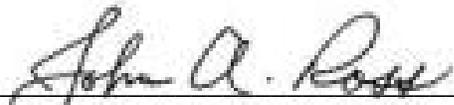
After telephone conference with counsel on February 22, 2012,

IT IS HEREBY ORDERED that Defendant Metro Waste Systems LLC shall file, within seven (7) days of the date of this Order, an entry of appearance in this matter by counsel and a response to Plaintiff United States of America’s Motion for Preliminary Injunction [ECF No. 4].

Failure to comply with this Order may result in a default judgment against Defendant Metro Waste Systems LLC.

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this Order to Defendant Metro Waste Systems LLC and its Iowa counsel, David A. Morse.

Dated this 22nd day of February, 2012.



 JOHN A. ROSS
 UNITED STATES DISTRICT JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Western Division

In Re:	)	BK No.: 11-81013
)	
WELSH INDUSTRIES, LTD.,	)	Chapter: 11
	)	Honorable Manuel Barbosa
)	
Debtor(s))	

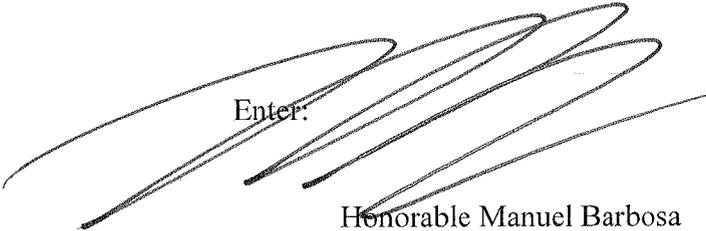
ORDER OF DISMISSAL

This case having come before the Court on the United States Trustee's Motion to Dismiss or in the Alternative, to Convert Case to Chapter 7, due notice having been given to all interested parties, and the matter having been heard,

IT IS HEREBY ORDERED:

1. That the United States Trustee's motion to dismiss this case is granted;
- and
2. That this case is hereby dismissed.

Enter:



Honorable Manuel Barbosa
United States Bankruptcy Judge

Dated: FEB 22 2012

Prepared by counsel of Movant:

Carole J. Ryczek
Office of the U.S. Trustee
780 Regent Street
Suite 304
Madison, Wisconsin 53711
(608) 264-5522, ext. 13