

DAVID B. BARLOW
United States Attorney
JOHN K. MANGUM
Assistant United States Attorney

MICHAEL G. PITMAN
LINDSAY L. CLAYTON
Trial Attorneys, Tax Division
U.S. Department of Justice
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044-0683
Telephone: (202) 305-7938
(202) 307-2956
Facsimile: (202) 307-0054
michael.g.pitman@usdoj.gov
lindsay.l.clayton@usdoj.gov

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

Arlin Geophysical & Laura Olson,

Plaintiffs,

v.

United States of America,

Defendant & Counterclaim Plaintiff,

v.

John E. Worthen; *et al.*,

Counterclaim Defendants.

Case No. 2:08-cv-414-DN-BCW

ORDER GRANTING JOINT
MOTION TO AMEND AND
AMENDED SCHEDULING ORDER

Honorable David Nuffer

Magistrate Judge Brooke C. Wells

The Court, having read and considered the Joint Motion to Amend Scheduling Order (docket #338) and for good cause shown, hereby GRANTS the Motion. It is hereby ORDERED that the following matters are scheduled and may not be changed without Court approval.

RULE 26(a)(2) REPORTS FROM EXPERTS	DATE
Plaintiff	07/16/2012
Defendant	07/16/2012
Counter reports	08/02/2012
OTHER DEADLINES	DATE
Discovery to be completed:	
Fact discovery	07/23/2012
Expert discovery	08/09/2012
Dispositive or potentially dispositive motions	08/16/2012
SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
Evaluate case for Settlement/ADR	07/19/2012
TRIAL AND PREPARATION FOR TRIAL TIME	DATE
Rule 26(a)(3) Pretrial Disclosure	
Plaintiff	12/07/12
Defendant	12/21/12
Special Attorney Conference on or before	01/04/13
Settlement conference on or before	01/04/13
Final Pretrial Conference	2:30 p.m. 01/23/13
Five Day Bench Trial	8:30 a.m. 02/04/13

DATED this __18th__ day of __April__, 2012.



David Nuffer
U.S. District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 11-cv-00930-REB-BNB

BANK OF AMERICA, a national banking association,

Plaintiff,

v.

BANK ONE, N.A., a national banking association,
COMPASS BANK, a Colorado corporation, and
CAROL SNYDER, Public Trustee For Adams County Colorado,

Defendants.

ORDER OF DISMISSAL

Blackburn, J.

The matter is before me on the **Joint Motion and Stipulation of Plaintiff and Carol Snyder, Public Trustee For Adams County Colorado To Dismiss and Vacate Trial Preparation Conference and Trial** [#63]¹ filed April 19, 2012. After reviewing the motion and the file, I conclude that the motion should be granted and that all claims asserted by the plaintiff against the Public Trustee should be dismissed without prejudice.

THEREFORE, IT IS ORDERED as follows:

1. That the **Joint Motion and Stipulation of Plaintiff and Carol Snyder, Public Trustee For Adams County Colorado To Dismiss and Vacate Trial**

¹ “[#63]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

Preparation Conference and Trial [#63] filed April 19, 2012, is **GRANTED**;

2. That the Trial Preparation Conference set for Friday, April 20, 2012, is

VACATED;

3. That the trial to the court set to commence April 30, 2012, is **VACATED**; and

4. That all claims asserted by the plaintiff against the Public Trustee are

DISMISSED WITHOUT PREJUDICE with each of the affected parties to pay its own attorney fees and costs.

Dated April 19, 2012, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 8:12-CV-833-T-35TBM

WALTER A. BATES and SANDRA J.
BATES,

Defendants.

**RELATED CASE ORDER
AND TRACK TWO NOTICE**

It is hereby **ORDERED** that, no later than fourteen days from the date of this Order, counsel and any *pro se* party shall comply with Local Rule 1.04(d), and shall file and serve a certification as to whether the instant action should be designated as a similar or successive case pursuant to Local Rule 1.04(a) or (b). The parties shall utilize the attached form NOTICE OF PENDENCY OF OTHER ACTIONS.

It is **FURTHER ORDERED** that, in accordance with Local Rule 3.05, this action is designated a **Track Two** case. All parties must comply with the requirements established in Local Rule 3.05 for Track Two cases. Counsel and any unrepresented party shall meet within sixty days after service of the complaint upon any defendant for the purpose of preparing and filing a Case Management Report. The parties shall utilize the Case Management Report form located at the Court's website www.flmd.uscourts.gov under 'Judicial Information' and under assigned Judge Mary S. Scriven, United States District Judge. Unless otherwise ordered by the Court, a party may not seek discovery from any source before the meeting. Fed. R. Civ. P. 26 (d); Local Rule 3.05(c)(2)(B). *Plaintiff is responsible for serving a copy of this notice and order*

with attachments upon each party no later than fourteen days after appearance of the party.

DONE AND ORDERED at Tampa, Florida, this 19th day of April, 2012.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Attachments:

Notice of Pendency of Other Actions [mandatory form]
Case Management Report [mandatory form]
Magistrate Judge Consent / Letter to Counsel
Magistrate Judge Consent Form / Entire Case
Magistrate Judge Consent / Specified Motions

Web Case Management Form: www.flmd.uscourts.gov [mandatory form]

Copies to: All Counsel of Record
All *Pro Se* Parties

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 8:12-CV-833-T-35TBM

WALTER A. BATES and SANDRA J.
BATES,

Defendants.

NOTICE OF PENDENCY OF OTHER ACTIONS

In accordance with Local Rule 1.04(d), I certify that the instant action:

_____ IS related to pending or closed civil or criminal case(s) previously filed in this Court, or any other Federal or State court, or administrative agency as indicated below:

_____ IS NOT related to any pending or closed civil or criminal case filed with this Court, or any other Federal or State court, or administrative agency.

I further certify that I will serve a copy of this NOTICE OF PENDENCY OF OTHER ACTIONS upon each party no later than fourteen days after appearance of the party.

Dated:

Counsel of Record or *Pro Se* Party
[Address and Telephone]



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

October 24, 2008

Dear Counsel:

Enclosed with this letter is a communication from the Clerk of this Court affording you the opportunity, with the approval of the U.S. District Judge, to consent to the reference of any part or all of the proceedings in this case to a U.S. Magistrate Judge, including reference for final disposition.

Careful consideration should be given to this option.

To assist the federal courts in coping with dramatically increased caseloads. Congress authorized the reference to a U.S. Magistrate Judge of any part or all of the proceedings in a civil case, both jury and non-jury, upon consent of all parties (28 U.S.C. § 636(c)). All of the U.S. District Judges in this District refer cases under this provision to our able and experienced U.S. Magistrate Judges who are almost always able to schedule early and firm trial dates, in accordance with the needs of the parties.

Whether to consent to a reference to a U.S. Magistrate Judge is entirely up to you and your client. This case has not been specifically selected for this program; the Clerk sends out this notice in every civil case. If a party declines to consent to a reference, that fact is known only to the Clerk and not to any of the District or Magistrate Judges.

This program has proved to be of great benefit to counsel, client, and the Court.

Sincerely yours,



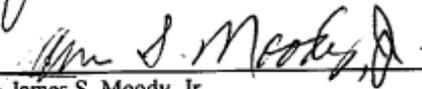
Hon. Anne C. Conway, Chief Judge



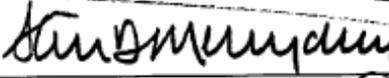
Hon. John E. Steele

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Hon. Elizabeth A. Kovachevich



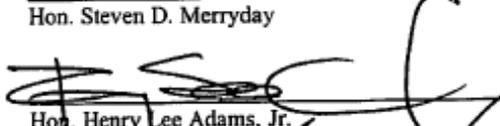
Hon. James S. Moody, Jr.



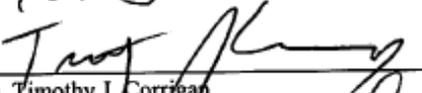
Hon. Steven D. Merryday



Hon. Gregory A. Pressnell



Hon. Henry Lee Adams, Jr.



Hon. Timothy J. Corrigan



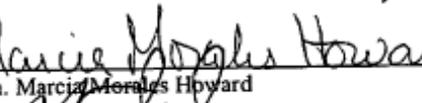
Hon. Richard A. Lazara



Hon. Virginia M. Hernandez Covington



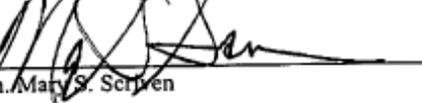
Hon. James D. Whittemore



Hon. Marcia Morales Howard



Hon. John Antoon, II



Hon. Mary S. Scriven

AO 85 (Rev. 01/09) Notice, Consent and Reference of a Civil Action to a Magistrate Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 8:12-CV-833-T-35TBM

WALTER A. BATES and SANDRA J. BATES,

Defendants.

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case,

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REFERENCE ORDER

IT IS **ORDERED** that this case be referred to a UNITED STATES MAGISTRATE JUDGE for all further proceedings and order the entry of a final judgment in accordance with 28 U.S.C. 636(c), Fed. R. Civ. P. 73..

DATE

UNITED STATES DISTRICT JUDGE

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF YOU ARE CONSENTING TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE. DO NOT RETURN THIS FORM TO A JUDGE.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 8:12-CV-833-T-35TBM

WALTER A. BATES and SANDRA J. BATES,

Defendants.

NOTICE, CONSENT, AND REFERENCE OF A DISPOSITIVE MOTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings and enter a final order dispositive of each motion. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have motions referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's consideration of a dispositive motion. The following parties consent to have a United States magistrate judge conduct any and all proceedings and enter a final order as to each motion identified below. (*identify each motion by document number and title*).

MOTION(S)

Signatures Party Represented

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REFERENCE ORDER

IT IS ORDERED: The motions are referred to the United States magistrate judge to conduct all proceedings and enter a final order on the motions identified above in accordance with 28 U.S.C. § 636(c).

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF COURT **ONLY IF** YOU ARE CONSENTING TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE. DO NOT RETURN THIS FORM TO A JUDGE.

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 8:12-CV-833-T-35TBM

WALTER A. BATES and SANDRA J. BATES,

Defendants.

**INTERESTED PERSONS ORDER
FOR CIVIL CASES**

This Court makes an active effort to screen every case in order to identify parties and interested corporations in which any assigned judge may be a shareholder, as well as for other matters that might require consideration of recusal. It is therefore

ORDERED that, within **fourteen** days¹ from the date of this order (or from the date of subsequent first appearance² in this action), each party, *pro se* party, governmental party, intervenor, non-party movant, and Rule 69 garnishee **shall file and serve** a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT in the following form:

¹If this order was served by mail, add three days to the prescribed period. Fed.R.Civ.P. 6. Service by facsimile constitutes a method of hand delivery for the purpose of computing the time within which any response is required. Local Rule 1.07(c).

²Every pleading or paper filed constitutes a general appearance of the party unless otherwise specified. Local Rule 2.03 (a).

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

I hereby disclose the following pursuant to this Court's interested persons order:

1.) the name of each person, attorney, association of persons, firm, law firm, partnership, and corporation that has or may have an interest in the outcome of this action — including subsidiaries, conglomerates, affiliates, parent corporations, publicly-traded companies that own 10% or more of a party's stock, and all other identifiable legal entities related to *any* party in the case:

[insert list]

2.) the name of every other entity whose publicly-traded stock, equity, or debt may be substantially affected by the outcome of the proceedings:

[insert list]

3.) the name of every other entity which is likely to be an active participant in the proceedings, including the debtor and members of the creditors' committee (or twenty largest unsecured creditors) in bankruptcy cases:

[insert list]

4.) the name of each victim (individual or corporate) of civil and criminal conduct alleged to be wrongful, including every person who may be entitled to restitution:

[insert list]

I hereby certify that, except as disclosed above, I am unaware of any actual or potential conflict of interest involving the district judge and magistrate judge assigned to this case, and will immediately notify the Court in writing on learning of any such conflict.

[Date]

[Counsel of Record or *Pro Se* Party]
[Address and Telephone]

[Certificate of Service]

It is **FURTHER ORDERED** that no party may seek discovery from any source before filing and serving a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT. A motion, memorandum, response, or other paper — including emergency motion — may be denied or stricken unless the filing party has previously filed and served its CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT.

FURTHER ORDERED that each party has a continuing obligation to file and serve an amended CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT within fourteen days of 1) discovering any ground for amendment, including notice of case reassignment to a different judicial officer; or 2) discovering any ground for recusal or disqualification of a judicial officer. A party should not routinely list an assigned district judge or magistrate judge as an “interested person” absent some non-judicial interest.

FURTHER ORDERED that, in order to assist the Court in determining when a conflict of interest may exist, particularly when ruling on matters formally assigned to another judge, each party shall use the full caption of the case — including the names of all parties and intervenors — on all motions, memoranda, papers, and proposed orders submitted to the Clerk. See Fed.R.Civ.P. 10(a); Local Rule 1.05(b) (“*et al.*” discouraged).

DONE AND ORDERED at Tampa, Florida, this 19th day of April, 2012.

Copies to: All Counsel of Record
All *Pro Se* Parties


MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

BENJAMIN B. WAGNER
United States Attorney
YOSHINORI H. T. HIMEL #66194
Assistant U. S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2760
Fax: (916) 554-2900
email: yoshinori.himel@usdoj.gov

BORIS KUKSO
U.S. Department of Justice
P.O. Box 683
Washington DC 20044
Telephone: (202) 353-1857
Fax: (202) 307-0054
email: boris.kukso@usdoj.gov

Attorneys for the UNITED STATES OF AMERICA,
Defendant and Third-Party Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

BEDROCK FINANCIAL, INC., a California
Corporation,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant and Third-Party
Plaintiff,

v.

FIRST AMERICAN TITLE COMPANY and
FIRST AMERICAN TITLE INSURANCE
COMPANY, California Corporations,

Third-Party Defendants.

1:10-cv-1055-MJS
(Consolidated action)

**STIPULATION AND ORDER
EXTENDING DISCOVERY TIME
FOR DEPOSITION OF AND
DOCUMENT PRODUCTION BY
FIRST AMERICAN**

The parties to this consolidated action hereby stipulate, subject to the approval of Judge Seng as provided for hereon, as follows:

- a) The Phase I close of discovery has been set at April 30, 2012, by Scheduling Order filed November 21, 2012, parts IV and V.
- b) FIRST AMERICAN TITLE COMPANY and FIRST AMERICAN TITLE INSURANCE COMPANY, third-party defendants, require more time to respond to the United States' deposition notice and document production request originally served March 14, 2012, as narrowed and rescheduled per agreement between counsel in an amended notice and request served March 29, 2012, and as further rescheduled per agreement between counsel in a second amended notice and request served April 13, 2012.
- c) The now-agreed date for deposition of third-party defendants is May 8, 2012.
- d) The parties therefore stipulate, subject to approval by the Court as provided for hereon, that as to deposition of and document production by third-party defendants only, the Phase I discovery deadline of April 30, 2012, set in the Scheduling Order filed November 21, 2012, parts IV and V, be extended for two weeks, until May 14, 2012.
- e) This extension should not affect the scheduling of Phase I dispositive motions (whose filing date is July 6, 2012). No previous extension of this time has been sought or granted.

Dated: April 18, 2012

LAW OFFICES OF
MICHAEL J. LAMPE

/s/ Matthew D. Owdom

MICHAEL J. LAMPE
MICHAEL P. SMITH
MATTHEW D. OWDOM

Dated: April 18, 2012

BENJAMIN B. WAGNER
United States Attorney
BORIS KUKSO

Trial Attorney, Tax Division, DOJ

/s/ YHimel
YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

ORDER

IT IS SO ORDERED.

Dated: April 19, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

Submitted But Not Entered.



Timothy W. Dore
U.S. Bankruptcy Judge

Revised order to be submitted.

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re)	
	)	No. 10-16434 TWD
MARK EDWARD DAVISCOURT and)	
JULIE MARIE DAVISCOURT,	)	Chapter 7
Debtors)	
<hr/>		
MARK EDWARD DAVISCOURT and)	
JULIE MARIE DAVISCOURT,	)	Adv. Proc. No. 10-01382 TWD
Plaintiffs)	
v.	)	ORDER ON AGREED MOTION TO
	)	EXTEND BRIEFING AND
INTERNAL REVENUE SERVICE	)	RESCHEDULE HEARING ON MOTION
Defendant	)	FOR SUMMARY JUDGMENT
)	

By agreement of the parties and good cause being shown, it is now therefore

ORDERED that the parties' motion is GRANTED. It is further

ORDERED that the scheduling order [Dkt No. 28] in this matter is hereby amended to set the following deadlines with respect to the United States' motion for summary judgment:

ORDERED that the scheduling order in this matter is hereby amended to set the following dates:

AMENDED SCHEDULING ORDER

STERNBERG THOMSON OKRENT & SCHER, PLLC
500 Union Street, Ste. 500
Seattle, Washington 98101
(206) 386-5438 FAX 374-2868

Submitted But Not Entered.

1 Hearing: The United States' motion for summary judgment will be heard on the Court's
2 June 1, 2012 calendar at 1:30 pm.

3 Response Brief: Plaintiffs' response to the United States' motion will be filed and served
4 on or before April 20, 2012.

5 Reply Brief: The United States' reply to plaintiffs' response will be filed and served on or
6 before May 4, 2012.

7 The schedules relating to the trial date and related dates shall remain the same at this
8 time.

9
10 /// END OF ORDER ///

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26 AMENDED SCHEDULING ORDER

27 Page 2 of 3

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STERNBERG THOMSON OKRENT & SCHER, PLLC
500 Union Street, Ste. 500
Seattle, Washington 98101
(206) 386-5438 FAX 374-2868

Submitted But Not Entered.

1 Presented by

2 DATED this 13th day of April, 2012

Sternberg Thomson Okrent & Scher, PLLC

3
4 /s/ *Craig S. Sternberg*

5 _____
6 Craig S. Sternberg, WSBA 00521
7 500 Union Street, Ste. 500
8 Seattle, WA 98101
9 Attorneys for the Plaintiffs

10 DATED this 13th day of April, 2012

KATHRYN M. KENEALLY
Assistant Attorney General

11 /s/ *Jennifer D. Auchterlonie*

12 _____
13 Jennifer D. Auchterlonie, WSBA 29481
14 W. Carl Hankla
15 Trial Attorneys, Tax Division
16 U.S. Department of Justice
17 P.O. Box 683, Ben Franklin Station
18 Washington, D.C. 20044-0683
19 Telephone: (202) 616-2901
20 (202) 307-6448
21 E-mail:
22 Jennifer.D.Auchterlonie@USDOJ.gov
23 W.Carl.Hankla@USDOJ.gov

24 Of Counsel:
25 JENNY A. DURKAN
26 United States Attorney
27 Counsel for the United States

28 AMENDED SCHEDULING ORDER

Page 3 of 3

STERNBERG THOMSON OKRENT & SCHER, PLLC
500 Union Street, Ste. 500
Seattle, Washington 98101
(206) 386-5438 FAX 374-2868



Honorable Linda B. Riegler
United States Bankruptcy Judge

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Entered on Docket
April 19, 2012

FENNEMORE CRAIG, P.C.
Christopher H. Byrd (No. 1633)
Craig S. Dunlap (NV Bar No. 4974)
300 South Fourth Street, Suite 1400
Las Vegas, Nevada 89101
Telephone: (702) 692-8000
Facsimile: (702) 692-8099
cbyrd@fclaw.com
cdunlap@fclaw.com

Attorneys for the Second James Parties

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
DESERT CAPITAL REIT, INC.,
Debtor.

Chapter 11
Case No. BK-11-16624-lbr

ORDER GRANTING MOTION OF SECOND JAMES, INC., FRANK FARRAR, AND ROBERT FARRAR (as Trustee for the Frank L. Farrar and Patricia J. Farrar Irrevocable Trust) FOR RELIEF FROM THE AUTOMATIC STAY TO PURSUE STATE COURT LITIGATION AND LITIGATE CLAIMS

**Date of Hearing: 03/19/2012
Time of Hearing: 9:30 a.m.**

Creditors and parties-in-interest Second James, Inc., Frank Farrar, and Robert Farrar, as Trustee for the Frank L. Farrar and Patricia J. Farrar Irrevocable Trust (collectively, the "Second James Parties") filed their *Motion of Second James, Inc., Frank Farrar, and Robert Farrar (as*

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Trustee For the Frank L. Farrar and Patricia J. Farrar Irrevocable Trust) For Relief From the Automatic Stay to Pursue State Court Litigation and Litigate Claims (the "Motion"), came on regularly for hearing with appearances noted on the record. The Court having considered the Motion, and other good cause appearing,

IT IS HEREBY ORDERED that the Motion is GRANTED. The automatic stay imposed by 11 U.S.C. § 362(a) is lifted for all purposes. Collection of any amounts owed by the Debtor shall be governed by the terms of the confirmed plan.

IT IS SO ORDERED.

Respectfully submitted by:

FENNEMORE CRAIG, P.C.

By /s/ Craig S. Dunlap

Christopher H. Byrd
Craig S. Dunlap

Attorneys for Second James Parties

Approve

Edward M. McDonald Jr.
Edward M. McDonald Jr.

Counsel for the Acting United States Trustee, Region 17

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APPROVED

By /s/ Douglas S. Draper
Douglas S. Draper

Attorneys for Desert Capital Reit, Inc.

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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- The court has waived the requirement set forth in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion.
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

	APPROVED	DISAPPROVED	NO RESPONSE
Edward M. McDonald, Jr.	X		
Douglas S. Draper	X		

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Mia Hurtado
An Employee of Fenmore Craig, P.C.

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

FILED

April 19, 2012

Clerk, U.S. Bankruptcy Court

Below is an order of the Court.



U.S. Bankruptcy Judge

OD31 (12/1/09) cas

**UNITED STATES BANKRUPTCY COURT
District of Oregon**

In re)	
Lori Diane Diaz	Debtor(s)	)	Case No. 11-30383-elp11
Lori Diane Diaz	Plaintiff(s)	)	Adv. Proc. No. 11-03290-elp
	v.)	
United States of America et al.	Defendant(s)	)	Order Re: Dismissal or Other Final Disposition Effective Within 45 Days

An interested party reported that the above-entitled proceeding is settled, and therefore,

IT IS ORDERED that this proceeding will be dismissed, without further Court order, unless a stipulated judgment or proposed judgment, whichever applies, is filed with the Clerk of Court within **45** days of this order's "Filed" date. Any subsequent motion required to reopen the proceeding shall be accompanied by an affidavit averring substantial reasons why this proceeding should be reopened.

###

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

FILED

April 19, 2012

Clerk, U.S. Bankruptcy Court

Below is an order of the Court.



U.S. Bankruptcy Judge

OD31 (12/1/09) cas

**UNITED STATES BANKRUPTCY COURT
District of Oregon**

In re
Louis Juan Diaz

Debtor(s)

) Case No. 11-30410-tmb7

Louis Juan Diaz

Plaintiff(s)

) Adv. Proc. No. 11-03291-elp

v.

**United States of America, Internal
Revenue Service
et al.**

Defendant(s)

) Order Re: Dismissal or Other Final
Disposition Effective Within 45 Days

An interested party reported that the above-entitled proceeding is settled, and therefore,

IT IS ORDERED that this proceeding will be dismissed, without further Court order, unless a stipulated judgment or proposed judgment, whichever applies, is filed with the Clerk of Court within **45** days of this order's "Filed" date. Any subsequent motion required to reopen the proceeding shall be accompanied by an affidavit averring substantial reasons why this proceeding should be reopened.

###

Below is an Order of the Court.


TRISH M. BROWN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. _____
)
) ORDER, DRAFTED ON: _____,
) RE: RELIEF FROM (Check ALL that apply):
) DEBTOR STAY CODEBTOR STAY
) CREDITOR: _____
Debtor(s)) CODEBTOR: _____

The undersigned, _____, whose address is _____,
_____, Email address is _____,
Phone No. is _____, and any OSB # is _____, presents this Order based upon:

The completed Stipulation of the parties located at the end of this document.

The oral stipulation of the parties at the hearing held on _____.

The ruling of the court at the hearing held on _____.

Creditor certifies any default notice required by pt. 5 of the Order re: Relief from Stay entered on _____ was served, and that debtor has failed to comply with the conditions of that order.

Creditor certifies that no response was filed within the response period plus 3 days to the Motion for Relief from Stay that was filed on _____ and served on _____.

IT IS ORDERED that, except as provided in pt. 4 below, the stay existing pursuant to 11 USC §362(a) shall remain in effect as to the property described below (hereinafter "the property"):

Personal property described as (e.g., 2001 Ford Taurus):

Real property located at (i.e., street address):

[Optional UNLESS In Rem Relief Granted] Exhibit A attached hereto is the legal description of the property.

IT IS FURTHER ORDERED that the stay is subject to the conditions marked below:

1. Regular Payment Requirements.

- a. Debtor(s) shall deliver regular monthly payments in the amount of \$_____ commencing _____ to Creditor at the following address:

- b. The Chapter 13 trustee shall immediately pay and disburse to Creditor the amount of \$_____ per month from funds paid to the trustee by Debtor(s), and continue each month until the plan is confirmed, at which time the plan payment terms shall control. Payments made by the trustee under this order shall be deemed to be payments under the plan for purposes of the trustee's collection of percentage fees.
- c. Debtor(s) shall pay to the trustee any and all payments required to be paid under the terms of the Chapter 13 plan.

2. Cure Payment Requirements. Debtor(s) shall cure the post-petition default of \$_____ consisting of

(e.g., \$_____ in payments and \$_____ in late charges for April - June, 2002), as follows:

- a. In equal monthly installments of \$_____ each, commencing _____ and continuing thereafter through and including _____.
- b. By paying the sum of \$_____ on or before _____, and the sum of \$_____ on or before _____.
- c. Other (describe):

3. Insurance Requirement(s). Debtor shall maintain insurance on the property at all times as required by the security agreement, naming _____ as the loss payee.

On or before _____ Debtor(s) shall provide counsel for Creditor with proof of insurance.

4. Stay Relief and Codebtor Stay Relief without Cure Opportunity.

- a. Upon default in the conditions in pt(s). _____ Creditor may file and serve a certificate of non-compliance specifying the default, together with a proposed order terminating the stay to allow Creditor to foreclose on, and obtain possession of, the property to the extent permitted by applicable nonbankruptcy law, which the Court may grant without further notice or hearing.
- b. The stay is terminated to allow Creditor to foreclose on, and obtain possession of, the property to the extent permitted by applicable nonbankruptcy law, provided that a foreclosure sale shall not occur prior to _____.
- c. Creditor is granted relief from stay effective _____ to foreclose on, and obtain possession of, the property, to the extent permitted by applicable nonbankruptcy law.
- d. Creditor is granted relief from stay to foreclose on, and obtain possession of, the property, to the extent permitted by applicable nonbankruptcy law.
- e. If a Creditor with a senior lien on the property is granted relief from stay, Creditor may file and serve a certificate identifying the senior lien holder and a proposed order terminating the stay, which the Court may grant without further notice or hearing.
- f. Creditor is granted relief from stay to _____.

- g. Creditor is granted "in rem" relief from stay with respect to the real property described above and in Exhibit A. This order shall be binding in any other case filed under 11 USC purporting to affect such real property filed not later than two (2) years after the date of the entry of this order unless the bankruptcy court in the subsequent case grants relief from this order. Any governmental unit that accepts notices of interests or liens in real property shall accept a certified copy of this order for indexing and recording.

h. Creditor is granted relief from the codebtor stay, as it applies to the codebtor(s) named in the caption above, to enforce the terms of the contract and collect the deficiency balance.

5. **Stay Relief with Cure Opportunity.** Upon default in the checked condition(s) in pt(s). 1 - 3, Creditor shall serve written notice of default on Debtor(s) and Attorney for Debtor(s) that gives Debtor(s) ____ calendar days after the mailing of the notice to cure the default. If Debtor(s) fails to cure the default in accordance with this paragraph, then Creditor shall be entitled to submit a proposed order terminating the stay, which the Court may grant without further notice or hearing.

a. The notice of default may require that Debtor(s) make any payment(s) that becomes due between the date the notice of default is mailed and before the cure deadline.

b. The notice of default may require Debtor(s) to pay \$_____ for the fees and costs of sending the notice.

c. Only ____ notices of default and opportunity to cure are required per ____ year (calculated from date of entry of this order), during the remainder of this case, or (describe):

6. **Amended Proof of Claim.** Creditor shall file an amended proof of claim to recover all accrued post-petition attorney fees and costs and (describe):

7. **Miscellaneous Provisions.**

a. If Creditor is granted relief from stay, the 14-day stay provided by Fed. Rule Bankr. Proc. 4001(a) shall be waived.

b. Any notice that Creditor's counsel shall give to Debtor(s)/Codebtor, or attorney for Debtor(s)/Codebtor, pursuant to this order shall not be construed as a communication under the Fair Debt Collection Practices Act, 15 USC §1692.

8. A final hearing on Creditor's motion for relief from stay shall be held on _____ at _____ in _____.

9. Other:

PRESENTED, AND CERTIFIED, BY:

###

IT IS SO STIPULATED:

Creditor's Attorney:

Debtor(s)'s Attorney:

Name: _____
OSB#: _____

Name: _____
OSB#: _____

NO OBJECTION TO ORDER BY CASE TRUSTEE:

Codebtor's Attorney:

By: _____

Name: _____
OSB#: _____

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the

COUNTY of CLACKAMAS :
[Type of Recording Jurisdiction] [Name of Recording Jurisdiction]
UNIT 3912, UPLANDS PARK AT LAKE OSWEGO CONDOMINIUM, IN THE CITY OF LAKE OSWEGO, CLACKAMAS COUNTY, OREGON. TOGETHER WITH THE LIMITED COMMON ELEMENTS AND THE UNDIVIDED INTEREST IN THE GENERAL COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED DECEMBER 15, 2006, RECORDER'S NO. 2006-115300.
A.P.N.: 05016130 / 21E08BB83912

which currently has the address of 3912 SOUTHWEST CARMAN DRIVE [Street]
LAKE OSWEGO, Oregon 97035 ("Property Address"):
[City] [Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges.** Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

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

In re: CASE NO. 8:11-bk-12770-CPM
Chapter 7

Matthew L. & Kathleen Marie Feshbach

Debtor(s)

_____ /

ORDER APPROVING EMPLOYMENT OF AUCTIONEER

THIS CASE came on for consideration without a hearing upon the Application to Employ Auctioneer filed by Andrea P. Bauman, the Trustee in the above-captioned Chapter 7 Case (**Application**, Doc. No. 70). The Court has considered the Application, together with the record, and finds that the Application seeks to employ Bay Area Auction Services, Inc. (Auctioneer) as Auctioneer in this case. The Court finds that the Auctioneer represents no adverse interest to the Debtor, that the employment of the Auctioneer is necessary and is in the best interest of the estate, and that the case is one justifying the employment of the Auctioneer. The Court is satisfied that the Application should be approved. Accordingly, it is

ORDERED:

The Application is approved. The Trustee is authorized to employ Bay Area Auction Services, Inc. as Auctioneer and to pay the Auctioneer a reasonable fee and reasonable documented expenses upon Application to and Order by this Court.

DONE and ORDERED, at Tampa, Florida, on April 19, 2012.



Catherine Peek McEwen
United States Bankruptcy Judge

Copies furnished to:

U.S. Trustee, 501 Polk St., #1200, Tampa, FL 33602

Andrea P. Bauman, P.O. Box 907, Highland City, FL 33846

Bay Area Auction, 8010 U.S. 19 N., Pinellas Park, FL 33781

In the United States Court of Federal Claims

No. 09-205 T

**JAMES N. IVY and
LEAH PAGE IVY**

JUDGMENT

v.

THE UNITED STATES

Pursuant to the court's Opinion, filed April 18, 2012, granting defendant's motion to dismiss for lack of subject matter jurisdiction,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that the complaint is dismissed.

Hazel C. Keahey
Clerk of Court

April 19, 2012

By: s/ Debra L. Samler

Deputy Clerk

NOTE: As to appeal, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$455.00.

In the United States Court of Federal Claims

No. 04-683 T

**JOHN E. KETTLE
and ANNE R. KETTLE**

JUDGMENT

v.

THE UNITED STATES

Pursuant to the court's Opinion, filed April 18, 2012, granting defendant's motion to dismiss for lack of subject matter jurisdiction,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that the complaint is dismissed.

Hazel C. Keahey
Clerk of Court

April 19, 2012

By: s/ Debra L. Samler

Deputy Clerk

NOTE: As to appeal, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$455.00.

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	Civil No. 10cv817 BTM (NLS)
)	
Plaintiff,	)	ORDER SETTING DISCOVERY AND
v.	)	MOTION FILING DEADLINES
)	
CHARLES P. LEBEAU and VICTORIA)	
LEBEAU, FDBA THE LAW OFFICES OF)	
CHARLES P. LEBEAU,)	
)	
Defendants.)	
_____)	
AND RELATED COUNTERCLAIM.)	
_____)	

On March 12, 2012 the district judge issued an order granting Plaintiff’s motion for partial summary judgment and denying Defendant’s motion to dismiss. This court asked the parties to advise on the status of the remaining claims in this case. The parties reported: (a) discovery on Claim 2 in this case is stayed while they litigate that claim in the U.S. Tax Court, with a trial on that claim likely to be scheduled for Fall 2012; and (b) as to the remaining open claim in this case, the court should set a 75 day discovery period and 45 day dispositive motion deadline, to run consecutively.

For good cause shown, the court **ORDERS**:

1. All discovery as to the remaining, non-stayed claim in this case shall be conducted by **July 2, 2012**;
2. All pretrial motions related to that claim must be filed by **August 16, 2012**; and

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
	Plaintiff(s))
)
	v.	) Case No. CIV-11-173-KEW
)
ROGER LIMORE, et al.,)	
	Defendant(s).)

AMENDED SCHEDULING ORDER

A. PRETRIAL SCHEDULES:

- 1. N/A JOINDER OF ADDITIONAL PARTIES AND/OR AMENDMENT TO PLEADINGS.
- 2. N/A EXCHANGE AND FILE WITNESS AND EXHIBIT LISTS.
- 3. 8-3-2012 DISCOVERY CUTOFF.
- 4. 7-27-2012 ALL DISPOSITIVE MOTIONS.
- 5. 8-20-2012 MOTIONS IN LIMINE AND DAUBERT ISSUES FILED.
- 6. 8-10-2012 WRITTEN SETTLEMENT REPORT.
- 7. 8-23-2012 EXCHANGE OF PRE-MARKED EXHIBITS.
- 8. 8-23-2012 EXCHANGE OF DEMONSTRATIVE EXHIBITS/AIDS.
- 9. 8-16-2012 PARTIES TO EXCHANGE REQUESTED JURY INSTRUCTIONS.
- 10. 8-16-2012 DISPUTED DEPOSITION/VIDEOTAPE/INTERROGATORY DESIGNATIONS.
- 11. 8-23-2012 COUNTER-DESIGNATIONS.
- 12. 8-30-2012 **PRETRIAL CONFERENCE AT 9:30 AM .**
- 13. 8-23-2012 AGREED PRETRIAL ORDER DUE.
- 14. 8-23-2012 AGREED JURY INSTRUCTIONS, Disputed Jury Instructions (to be addressed in Trial Briefs), Proposed Voir Dire, Proposed FF/CL [Non-Jury], and Trial Briefs due.

B. SETTLEMENT: In all cases scheduled for Jury or Non-Jury Trial a mandatory Settlement Conference will be conducted prior to the Pretrial Conference before a District Judge, Magistrate Judge or Adjunct Settlement Judge. Suggested time frame: **5/15/12 at 9:00 AM w/ Judge Tom R. Cornish .**

C. TRIAL:

- 15. 9-17-2012 **TRIAL DATE: [] JURY at 9:00 a.m. [X] NON-JURY at 9:00 a.m.**
- 16. 3 days ESTIMATED TRIAL TIME.

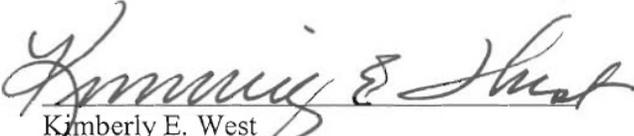
IT IS ORDERED that no date set by this Order can be changed except for good cause and upon written Order of this Court prior to the date scheduled.

IT IS ORDERED that the parties comply with the disclosure requirement and attend deadlines established by Federal Rule Civil Procedure 26, unless otherwise modified by this order.

IT IS ORDERED that all attorneys who will participate in the trial of this case shall be required to attend the Pretrial Conference unless their non-attendance is authorized in advance by the Court. Further, litigants will not be permitted to attend the Pretrial Conference without prior Court approval.

IT IS FURTHER ORDERED _____

This Order is entered this 19th day of April, 2012.


Kimberly E. West
United States Magistrate Judge
Eastern District of Oklahoma

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-60025-CR-WILLIAMS

UNITED STATES OF AMERICA

v.

ORDER GRANTING CONTINUANCE

JOHN P. MILLER
_____ /

This matter is before the Court upon the Government's Motion To Continue Trial Date Certain [D.E.#20]. The Court having received the motion, the Defendant's Response [D.E.#21] and heard the parties' positions during the telephonic hearing on April 18, 2012, it is ORDERED AND ADJUDGED that the motion is GRANTED. This case is REMOVED from the May 7, 2012 trial calendar and RESET to a special calendar to commence trial on August 20, 2012. Calendar Call is set for Tuesday, August 14, 2012 at 11:00 a.m., at 400 North Miami Avenue, Courtroom 11-3.

The Court finds that the ends of justice served by granting a continuance to allow counsel for the Defendant reasonable time necessary for effective preparation for trial outweighs the best interest of the public and the defendant in a speedy trial. The Court therefore finds the period of delay **from 4/16/2012 to 8/21/2012** excludable in calculating the period within which trial must commence under the Speedy Trial Act. See, 18 U.S.C. Section 3161(7)(A).

DONE AND ORDERED in Miami, Florida, this 19th day of April, 2012.



KATHLEEN M. WILLIAMS
United States District Judge

cc: Counsel of Record

In The United States Court of Federal Claims

No. 12-230T

(Filed: April 19, 2012)

JASON AND WENDY MOSKOWITZ,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

SPECIAL PROCEDURES ORDER

The parties are advised that all references in this order to the Rules of the United States Court of Federal Claims (RCFC) are local rules of this court, effective July 15, 2011. Therefore, and pursuant to RCFC 1, 16, and 83(b), as well as Appendix A, it is ordered that each party shall comply with the following procedures:

(1) Document Preservation.

The court hereby orders the parties to take all necessary action to preserve relevant evidence in this matter. Violation of this provision may lead to the imposition of sanctions under RCFC 37 and this court's inherent authority.

(2) Disclosure of Pending Litigation(s).

In the preliminary status report required by RCFC Appendix A, ¶ 4, the parties shall indicate whether any other cases related to this litigation are pending in other jurisdictions. This information is requested, in part, to determine whether any issues will arise in this case involving 28 U.S.C. § 1500; *see also United States v. Tohono O'odham Nation*, 131 S. Ct. 1723 (2011).

(3) Pretrial Rules.

- (a) Counsel shall familiarize themselves with the Rules of the United States Court of Federal Claims governing pretrial procedure, particularly RCFC 5-7 (subparts inclusive), 11, 16, and 26, and Appendix A, in order to ensure full and timely compliance with applicable deadlines, filing procedures, and other requirements.

Note that the CFC rules, though designed to closely track the Federal Rules of Civil Procedure, are not identical to those rules.

- (b) The court expects that defendant will not delay filing any motions to dismiss for lack of jurisdiction under RCFC 12(b)(1) and that it will thereby avoid unnecessarily interrupting the orderly flow of litigation and imposing unnecessary costs on plaintiff. *See Northrop Grumman Computing Sys., Inc. v. United States*, 2011 WL 2508241 at * 8 (Fed. Cl. June 23, 2011).

(4) Electronic Digital Recording

Where electronic digital recording (EDR) is used to record a proceeding, the digital recording is the official court record and all references to the proceeding shall be to that record (*e.g.*, “Oral Argument of October 29, 2009, Argument of Ms. Smith at 2:46:13 - 2:46:50”). Absent special circumstances, which should be raised in an appropriate motion, the court will neither accept an unofficial transcript for filing nor allow the party requesting such a transcript to recover the cost thereof.

(5) Communications with the Court.

Unless invited or otherwise ordered by the court, communications with these chambers shall be by formal motion or other formal submission, filed with the clerk’s office or in open court. In particular, letters will not be accepted in lieu of motions without prior authorization. Notwithstanding this provision, counsel may, at any time, jointly request a conference with the judge to discuss a dispute or other pending matter. Scheduling needs or questions should be directed to Sak Im at (202) 357-6492. Questions regarding CFC filing requirements and other standard court procedures should be directed to the clerk’s office at (202) 357-6406. Questions regarding the Case Management/Electronic’s Case Filing (CM/ECF) system should be directed to the CM/ECF help desk at a toll free number at 866-784-6273 or at (202) 357-6402.

(6) Enlargements of Time; Page Limits.

- (a) **Enlargements.** The court intends to follow strictly any schedule established in the case and to apply strictly the rules regarding requests for enlargements of time. Requests for enlargement should be filed as early as possible, generally at least five business days in advance.

The burden of establishing grounds for an enlargement is on the movant and motions are not granted automatically. Each request for an enlargement must specify the grounds. See RCFC 6.1. Requests for enlargement filed out of time are highly disfavored and will be granted only where a specific allegation of excusable neglect is substantiated. See RCFC 6(b). In addition, motions for enlargement filed out of time must contain a certification that:

- (i) in the case of a motion filed by counsel for the plaintiff, the client has been notified that the motion for enlargement is being filed out of time; or

- (ii) in the case of a motion filed by counsel for the defendant, the supervising Deputy Assistant Attorney General at the Department of Justice has been notified that the motion for enlargement is being filed out of time.

In granting enlargements, the court may order that any further requests for enlargement be signed by both the attorneys of record and the party (or in the case of the defendant, the supervising Deputy Assistant Attorney General at the Department of Justice).

- (b) **Page Limits.** Briefs and memoranda in support of motions are limited in length as set forth in RCFC 5.4. Leave of court is necessary to exceed these page limits. RCFC 5.4. When requesting leave of court to exceed the page limit, counsel must specify the number of additional pages required.

(7) Professional Conduct.

At all times during this proceeding, counsels' conduct should be characterized by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling their duty to represent their clients vigorously as lawyers, counsel should be mindful of their obligations to the administration of justice. Conduct that may be characterized as uncivil, abrasive, abusive, hostile or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct will not be tolerated and may result in sanctions being imposed. See, e.g., RCFC 37.

(8) Video-Conferencing, Electronic Courtroom and Court Website.

Both video-conferencing and an electronic courtroom are available at the courthouse in Washington, D.C. The court is amenable to the use of these state-of-the-art facilities not only for trials with a venue in Washington, D.C., but also for status conferences and oral arguments. The scheduling of these facilities should be coordinated with Sak Im at (202) 357-6492. Technical questions concerning the court's video-conferencing equipment and the capacities of the electronic courtroom should be directed to the clerk's office at (202) 357-6406. Other helpful information about the court, including a copy of the court's local rules, may be found at www.uscfc.uscourts.gov.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:12-cv-338-T-35-TGW

**STEPHEN J. MOTOSKO and PLANET
TOYS INTERNATIONAL, INC.,**

Defendants.

_____ /

ORDER

THIS CAUSE comes before the Court for consideration of Defendants' Motion to Dismiss (Dkt. 10) and Plaintiff's Opposition to Defendants' Motion to Dismiss. (Dkts. 13, 14) Upon consideration of all relevant findings, case law, and being otherwise fully advised, the Court hereby **DENIES** Defendants' Motion to Dismiss (Dkt. 10), as described herein.

I. Background

On February 16, 2012, Plaintiff filed this instant action seeking a (1) judgment against Defendant Planet Toys International, Inc. ("Planet Toys") for unpaid federal income tax liabilities, and (2) judgment against Defendant Stephen J. Motosko ("Motosko") as a fraudulent transferee of Planet Toys. (Dkt. 1) Planet Toys move to dismiss the Complaint against it on the basis of insufficient service of process. Motosko moves to dismiss the Complaint against him on the basis that Plaintiff's failure to follow the collection procedures contained in 26 U.S.C. § 6901 precludes Plaintiff from stating a cause of action.

II. Legal Standard

The threshold for surviving a motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6) is a low one. Quality Foods de Centro Am., S.A. v. Latin Am. Agribusiness Dev. Corp., S.A., 711 F.2d 989, 995 (11th Cir. 1983). A plaintiff must plead only sufficient facts to state a claim for relief that is plausible on its face. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 561-62 (2007) (abrogating the “no set of facts” standard for evaluating a motion to dismiss established in Conley v. Gibson, 355 U.S. 41, 45-46 (1957)). Although a complaint challenged by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff is obligated to provide the “grounds” for his entitlement to relief, and “a formulaic recitation of the elements of a cause of action will not do.” Berry v. Budget Rent A Car Sys., Inc., 497 F. Supp. 2d 1361, 1364 (S.D. Fla. 2007) (quoting Twombly, 550 U.S. at 555).

In evaluating the sufficiency of a complaint in light of a motion to dismiss, the well pleaded facts must be accepted as true and construed in the light most favorable to a plaintiff. Quality Foods, 711 F.2d at 994-95. However, the court should not assume that a plaintiff can prove facts that were not alleged. Id. Thus, dismissal is warranted if, assuming the truth of the factual allegations of the plaintiff’s complaint, there is a dispositive legal issue which precludes relief. Neitzke v. Williams, 490 U.S. 319, 326 (1989).

III. Discussion

A. SERVICE OF PROCESS ON PLANET TOYS

Planet Toys argue the Complaint should be dismissed because Plaintiff failed to properly serve the summons and Complaint on Planet Toys. Planet Toys assert that Plaintiff improperly left a copy of the summons and Complaint with Motosko’s wife. (Dkt. 10) Motosko’s wife is not an officer, director, or agent of Planet Toys. (Id.) Plaintiff

contends the Complaint should not be dismissed because (1) the time to serve Planet Toys has not expired, (2) the summons and Complaint were served in accordance with Rule 4(e)(2) of the Federal Rules of Civil Procedure, and (3) Planet Toys will execute a waiver of service pursuant to Rule 4(d) of the Federal Rules of Civil Procedure.

The record reveals that on April 16, 2012, Plaintiff filed a waiver of service signed by Counsel for Planet Toys. (Dkt. 15) Therefore, Planet Toys argument regarding defective service is moot. Accordingly, the Court **DENIES** Planet Toys' Motion to Dismiss.

B. PROCEDURAL REQUIREMENTS OF 26 U.S.C. § 6901

Motosko argues that Plaintiff has failed to comply with the mandatory collection procedures contained in 26 U.S.C. § 6901, precluding Plaintiff from stating a cause of action. Plaintiff contends the collection procedures contained in 26 U.S.C. § 6901 are not mandatory, but an optional remedy it may use to collect taxes.

26 U.S.C. § 6901 provides that a transferee's liabilities "shall, except as hereinafter in this section provided, be assessed, paid, and collected in the same manner and subject to the same provisions and limitations as in the case of the taxes with respect to which the liabilities were incurred." 26 U.S.C. § 6901(a). Several district courts have recognized that the collection procedures contemplated by 26 U.S.C. § 6901 is not the exclusive or mandatory remedy for the Government in seeking to collect taxes from a transferee. See, e.g., United States v. Matzner, No. 96-8722-CIV, 1997 WL 382126, at * 1 (S.D. Fla. March 26, 1997)("The summary collection procedures provided for [under 26 U.S.C. § 6901] are not the only collection procedures available to the Government in seeking to collect a tax from a transferee."); United States v. Russell, 461 F.2d 605, 606 (10th Cir. 1972)("[T]he collection procedures contained in § 6901 are

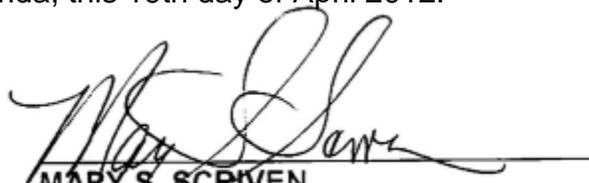
not exclusive and mandatory, but are cumulative and alternative to the other methods of tax collection recognized and used prior to the enactment of § 6901 and its statutory predecessors.”); Culligan Water Conditioning of Tri-Cities, Inc. v. United States, 567 F.2d 867, 870-71 (9th Cir. 1978)(“Section 6901 provides the Service the power to use against a transferee the same summary collection procedures it may use against a transferor or any other delinquent taxpayer. But that section is not mandatory, as appellants suggest; rather, it adds to other methods available for collection. The Service remains free either to demand payment directly, as it did in this case, or to bring court action.”).

Persuaded by the precedent set by its sister courts, the Court finds Plaintiff was not required to follow the collection procedures in 26 U.S.C. § 6901 before initiating this action. See Matzner, 1997 WL 382126, at * 2 (S.D. Fla. March 26, 1997)(“The Government is not required to first obtain an assessment against a transferee before beginning collection proceedings in court.”). Accordingly, the Court **DENIES** Motosko’s Motion to Dismiss.

IV. CONCLUSION

Upon consideration of the foregoing, it is hereby **ORDERED** that Defendants’ Motion to Dismiss (Dkt. 10) is **DENIED**.

DONE and **ORDERED** in Tampa, Florida, this 19th day of April 2012.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
All Counsel of Record
All *Pro Se* parties

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.) No. 07-5011
)
CHARLES J. ORLANDO)
)
Defendant.)

RECEIVED
APR 19 2012
AT 8:30
WILLIAM T. WALSH M
CLERK

ORDER FOR ENTRY OF JUDGMENT

Having considered the United States of America and Charles J. Orlando's Joint Motion Seeking Entry of Judgement, and for good cause shown, it is:

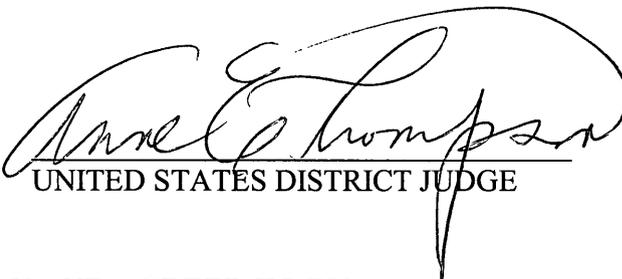
ORDERED that the Joint Motion is GRANTED;

ORDERED that the Clerk enter judgment against Charles J. Orlando in favor of the United States of America in the amount of \$75,863.29 as of June 2, 2011, plus statutory interest accruing thereafter, for trust fund recovery penalties assessed pursuant to 26 U.S.C. § 6672 for the tax periods ending March 31, 1993 through December 31, 1997, December 31, 2001, March 31, 2002 through December 31, 2007, and September 30, 2008;

ORDERED that the Clerk enter judgment against Charles J. Orlando in the amount of \$449,136.71 as of June 2, 2011, plus statutory interest accruing thereafter, in favor of the United States of America for federal income taxes, penalties and interest relating to the years 1987 through 1995, 1998, 1999, and 2002 through 2006; and

ORDERED that the case is closed.

Date: April 19, 2012


UNITED STATES DISTRICT JUDGE

CONSENT JUDGMENT SEEN AND AGREED TO BY:

Dated: April 13, 2012

Submitted by:

KATHRYN KENEALLY
Assistant Attorney General

/s/ Benjamin J. Weir
BENJAMIN J. WEIR
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 227
Washington, D.C. 20044
Tel: (202) 307-0855
Fax: (202) 514-6866
benjamin.j.weir@usdoj.gov
Counsel for the United States

/s/ Jerome A. Ballarotto
JEROME A. BALLAROTTO
143 Whitehorse Ave.
Trenton, NJ 08610
Counsel for Charles J. Orlando



Timothy W. Dore
U.S. Bankruptcy Court
(Dated as of Entered on Docket date above)

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TIMOTHY W. DORE
United States Bankruptcy Judge
700 Stewart Street, Room 8106
Seattle, WA 98101
(206) 370-5300

Chapter 13

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re:

Vernon J Piela,

Debtor.

Case No. 11-10706-TWD

**ORDER SETTING HEARING AND
DEADLINES**

These matters came before the Court on the Debtor’s Objection to Proof of Claim Number 2 by the Internal Revenue Service [Docket No. 24] (the “Objection”); the Debtor’s Motion to Approve Second Amended Plan [Docket No. 42] (the “Confirmation Motion”); the Trustee’s Objection to Confirmation and Motion to Dismiss Case [Docket No. 26] and the Trustee’s supplemental objection to confirmation of the Debtor’s Second Amended Plan [Docket No. 48] (collectively, the “Objection to

1 Confirmation and Motion to Dismiss”); and the United States’ Motion for Relief from Stay or for
2 Adequate Protection [Docket No. 13] (the “Motion for Relief”). After hearing argument on the motions
3 on April 18, 2012, the Court found cause to allow the Debtor to file an objection to the IRS’s Amended
4 Proof of Claim filed April 16, 2012 [Claim No. 2-3] (the “Amended Claim”) and continue the hearings
5 on the remaining matters. Now, therefore, it is hereby ORDERED:

6 1. The Amended Claim moots the Objection.

7 2. Counsel for the United States shall provide the audit results spreadsheet to Mr. Piela by
8 April 27, 2012. If Mr. Piela disputes the Amended Claim, he shall file and serve an objection to the
9 Amended Claim (“New Objection”) and a declaration containing admissible evidence in support of the
10 New Objection by June 1, 2012, and set the hearing on the New Objection for July 18, 2012 at 9:30 a.m.
11 Any responses to the New Objection shall be filed by July 11, 2012. If the New Objection is not filed
12 by June 1, 2012, the Amended Claim will be deemed an allowed claim.

13 3. The Confirmation Motion, Objection to Confirmation and Motion to Dismiss, and
14 Motion for Relief are all continued to July 18, 2012 at 9:30 a.m.

15
16 **/// End of Order ///**

17 **To be served by the Clerk via the BNC.**
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

IN THE MATTER OF: Renegade Holdings, Inc., et al Debtors	Case No. 09-50141 Chapter 11 Consolidated for Administration
Order Granting Trustee’s Motion To Extend Time (A) To File Response To United States’ Motion To Withdraw The Reference, and (B) To File Designation of Additional Items To Include In Record To District Court	

THIS MATTER is before the Court on the Motion To Extend Time (A) To File Response To United States’ Motion To Withdraw The Reference (“Response”), and (B) To File Designation of Additional Items To Include In Record To District Court (“Additional Designation”) filed on behalf of Peter L. Tourtellot, Chapter 11 Trustee for Renegade Holdings, Inc. (“RHI”), Alternative Brands, Inc. (“ABI”) and Renegade Tobacco Co. (“RTC” and collectively, the “Debtors”).

IT APPEARING to the Court that just cause exists to extend the deadline for filing the Trustee’s Response and Additional Designation; and that granting the relief requested in the Motion will not prejudice the parties or unduly interfere with the orderly administration of this case;

IT IS, THEREFORE, ORDERED that the deadline for filing the Trustee’s Response and Additional Designation is extended from April 17, 2012 to April 24, 2012.

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

In re:	:	Chapter 11
SAXBYS COFFEE WORLDWIDE, LLC,	:	Case No. 09-15898 (ELF)
Debtor	:	Hrg Date: Apr. 11, 2012 at 11:00 am
	:	Location: 900 Market Street, 2nd Floor
	:	Courtroom No. 1
	:	Philadelphia, PA 19107

**STIPULATED ORDER
AGREEING TO STAY OBLIGATION FOR
IRS TO FILE AMENDED PROOF OF CLAIM**

AND NOW, this _____ day of April, 2012, Saxbys Coffee Worldwide, LLC (the “Debtor”), by and through its counsel, the Law Offices of Paul J. Winterhalter, P.C., and the United States on behalf of the Internal Revenue Service, by its trial counsel, E. Christopher Lambert, Esquire, stipulate and agree, in light of the United States pending appeal of the Bankruptcy Court’s February 23, 2012 Order, to have the Bankruptcy Court stay portions of its Order on the extent, validity and priority of the claim of the Internal Revenue Service (the “IRS”) filed November 12, 2010 [Claim No. 1-6] pertaining to the need to file an Amended Proof of Claim as follows:

1. The Obligation of the Internal Revenue Service to file an Amended Proof of Claim consistent with the Bankruptcy Court’s Order dated February 23, 2012 shall be deferred until the final disposition or discontinuance of the IRS appeal of the Bankruptcy Court’s February 23, 2012 Order.

2. The Debtor, through the Disbursing Agent shall, consistent with the terms of the Fifth Amended Plan deposit all monies earmarked on account of the full amount of the IRS priority claim into an escrow account until the final disposition of the appeal. Once the appeal is

09-15898 (elf)

finally resolved or discontinued, the Disbursing Agent shall distribute monies consistent with the final result to the IRS on its allowed proof of claim.

PAUL J. WINTERHALTER, P.C.

By: /s/P. J. Winterhalter
PAUL J. WINTERHALTER
1717 Arch Street, Suite 4110
Philadelphia, PA 19103
Telephone: (215) 564-4119
Facsimile: (215) 564-5597
Email: pwinterhalter@pjw-law.com
Counsel to Saxbys Coffee Worldwide, LLC

ZANE DAVID MEMEGER
United States Attorney

JOHN A. DICICCO
Principal Deputy Asst. Attorney General

By: /s/E. Christopher Lambert
E. CHRISTOPHER LAMBERT
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 227
Washington, D.C. 20044
Telephone: (202) 307-6536
Fax: (202) 514-6866
Email: E.C.Lambert@usdoj.gov

APPROVED BY THE
COURT:

By: 
ERIC L. FRANK
United States Bankruptcy Judge

Dated: April 19, 2012

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 *EX PARTE* MOTION
FOR EXAMINATION PURSUANT TO RULE 2004**

THIS CAUSE came on hearing on April 12, 2012 in order to consider the United States Trustee's *Ex Parte* Motion for Examination Pursuant to Rule 2004 (Doc. No. 73) as well as the Chapter 7 Trustee's Joinder in the United States Trustee's Motion for Examination Pursuant to Rule 2004 (Doc. No. 96) and the United States' Joinder in United States Trustee's Motion for Rule 2004 Examination and Chapter 7 Trustee's Joinder (Doc. No. 97). The Court reviewed the motion, considered the record and the representations made in Court, and is satisfied that the United States Trustee's motion should be granted. Accordingly, it is

ORDERED that

1. The United States Trustee's *Ex Parte* Motion for Examination Pursuant to Rule 2004 be, and the same hereby is, granted.
2. On or before April 25, 2012, the Debtor shall be required to produce to the Chapter 7 trustee at the offices of Herbert R. Donica all documents in the Debtor's possession, custody, or control that are responsive to the requests in Exhibit A to the United States Trustee's *Ex Parte* Motion for Examination Pursuant to Rule 2004 and

Exhibit A to the Chapter 7 Trustee's Joinder in the United States Trustee's Motion for Examination Pursuant to Rule 2004.

3. The Debtor shall forthwith instruct counsel representing him in his divorce proceedings to turn over all documents to Paul DeCailly for his review.

4. The Chapter 7 trustee shall make reasonable accommodation for any party in interest to review and copy the produced documents.

5. The Debtor shall appear for oral examination upon reasonable notice by the United States Trustee, the Chapter 7 trustee, or the United States. The party requesting such oral examination shall attempt to make reasonable accommodation to the Debtor, the United States Trustee, the Chapter 7 trustee, and the United States in order to coordinate any requested oral examinations.

6. Any scheduled examination of the Debtor shall appear on the docket and any party in interest wishing to attend shall contact the party requesting the examination, who shall attempt to make reasonable efforts to accommodate that party's attendance.

DONE and ORDERED this April 19, 2012.



MICHAEL G. WILLIAMSON
U.S. Bankruptcy Judge

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Humberto Suarez,

Case No. 3:11cv2195

Plaintiff,

ORDER

-vs-

Magistrate Judge Vernelis K. Armstrong

United States of America,

Defendant.

The Court held a phone conference on April 19, 2012. Counsel advised the Court of their progress in resolving case. Plaintiff's counsel will file a status report within one week reporting that case has been settled.

IT IS SO ORDERED.

S/ Vernelis K. Armstrong 4/19/12
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

CIVIL ACTION

VERSUS

NO. 11-1547

**CATHY R. VINNETT, individually and
d/b/a RIVER PARISH TAX PROFESSIONALS,
M&C TAX SERVICE, and D&C TAX SERVICE,
and LASHANDA R. VINNETT, individually and
d/b/a RIVER PARISH TAX PROFESSIONALS,
m&c TAX SERVICE, D&C TAX SERVICE, and
REMARKABLE TAX SERVICE**

SECTION: "C" (5)

ORDER

IT IS ORDERED that this Court's April 10, 2012 Order to Show Cause is VACATED. (Rec. Doc. 27). The Court has since located defense counsel Edward Mendy's telephone number and communicated with him by telephone.

New Orleans, Louisiana this 19th day of April, 2012.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE

In the United States Court of Federal Claims

No. 05-1384 T

**RAYMOND W. WEIDEMANN
and JOAN C. WEIDEMANN**

JUDGMENT

v.

THE UNITED STATES

Pursuant to the court's Opinion, filed April 18, 2012, granting defendant's motion to dismiss for lack of subject matter jurisdiction,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that the complaint is dismissed.

Hazel C. Keahey
Clerk of Court

April 19, 2012

By: s/ Debra L. Samler

Deputy Clerk

NOTE: As to appeal, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$455.00.