

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02278-WJM-KLM

USA,

Plaintiff,

v.

FIRST TENNESSEE BANK NATIONAL ASSOCIATION,  
ASHCROFT HOMES OF COLORADO, INC.,  
ABSOLUTE CONSTRUCTION SERVICES, LLC,  
ASHCROFT HOMES CORP.,  
ANITA L. RUSSELL,  
TIMOTHY J. RUSSELL,  
USAA FEDERAL SAVINGS BANK, and  
TIMBER CREEK HOLDINGS, L.P.,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court *sua sponte*. Due to the Answer deadline of April 27, 2012 for Ashcroft Homes of Colorado, Inc. [Docket No. 66],

IT IS HEREBY **ORDERED** that the Scheduling Conference set for March 28, 2012 at 9:30 a.m. is **VACATED** and **RESET** to **May 29, 2012**, at **9:30 a.m.** in Courtroom C-204 of the Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

IT IS FURTHER **ORDERED** that the parties shall submit their proposed scheduling order pursuant to the District of Colorado Electronic Case Filing ("ECF") Procedures. The parties shall submit the proposed scheduling order no later than **May 24, 2012**.

All other provisions stated in the September 2, 2011 Order Setting Scheduling/Planning Conference [Docket No. 3] remain in effect, except that the parties shall use the new Scheduling Order Instructions [Appendix F] and Standard Scheduling Order [Appendix F.1.] available on the Court's website.

Dated: March 19, 2012

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ROBERT R. BARTON, et al., )  
 )  
 Defendants. )

Case No. 12-4023-CV-W-ODS

**ORDER SETTING DEADLINE FOR FILING OF JOINT PROPOSED  
SCHEDULING ORDER AND FOR RULE 26(f) CONFERENCE**

Appended to this order is the “Tenets of Professional Courtesy” adopted by the Kansas City Metropolitan Bar Association. COUNSEL SHOULD BE AWARE THAT THE COURT EXPECTS ADHERENCE TO THE TENETS BY ATTORNEYS APPEARING IN THIS DIVISION. FURTHER, THE COURT BELIEVES IT TO BE IN THE INTEREST OF ALL CONCERNED FOR PARTIES TO BE AWARE OF THE COURT’S EXPECTATION. TO THAT END, COUNSEL SHALL FORWARD A COPY OF THE TENETS TO ALL CLIENTS INVOLVED IN THIS ACTION.

A joint proposed scheduling order/discovery plan (“Proposed Plan”) shall be filed on or before June 11, 2012. The Proposed Plan shall comply with Local Rules 16.1(d), 16.1(f), 26.1(c) and 26.1(d). The Proposed Plan shall also state whether the case will be tried to the Court or to a jury and the anticipated length of the trial. See Local Rule 16.1(f)(5). In accordance with Local Rule 16.1(d), plaintiff’s counsel shall take the lead in preparing the Proposed Plan.

The Rule 26(f) conference shall take place on or before May 29, 2012. Counsel are reminded that FRCP 26(a)(1) disclosures must be completed within fourteen (14) days after the Rule 26(f) conference. During the Rule 26(f) conference, the parties shall discuss the nature and bases of their claims and defenses and shall discuss the possibilities for a prompt

settlement of the case. Discovery may not commence before the conference is held except under the conditions set forth in FRCP 26(d).

If the parties have not already done so, by April 3, 2012, each non-governmental corporate party (including LLC's and other entities) must file a statement identifying all parent companies, subsidiaries (except wholly owned subsidiaries) and affiliates that have issued shares to the public. If a non-governmental corporate party has no parent companies, subsidiaries, or affiliates, counsel shall file a statement to that effect. See Local Rule 3.1

If this case has been removed from state court, and if a jury trial has not already been specifically requested on the face of the Complaint or in a separate filing, pursuant to FRCP Rule 81(c) the parties shall have twenty (20) days from the date of this Order to file a jury demand. Failure to file a jury demand shall constitute a waiver of the right to a trial by jury. See Bruns v. Amana, 131 F.3d 761 (8th Cir. 1997).

Generally, no courtesy copies of any filings need be delivered to Chambers. Courtesy copies are only required if requested by the Court.

When discovery commences in this case:

1. The number and form of interrogatories and the number of depositions are governed by FRCP 30(a)(2)(A) and 33(a).
2. The time permitted for depositions is governed by FRCP 30(d)(2).
3. The procedure for resolving discovery disputes is governed by Local Rule 37.1.
4. The form of answers to certain discovery requests and the disclosures required by FRCP 26 are provided in Local Rule 26.2.
5. The filing of motions does not postpone discovery. See Local Rule 26.1(b).

IT IS SO ORDERED.

/s/ Ortrie D. Smith  
ORTRIE D. SMITH, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

DATE: March 19, 2012

## TENETS OF PROFESSIONAL COURTESY

I

A LAWYER SHOULD NEVER KNOWINGLY DECEIVE ANOTHER LAWYER.

II

A LAWYER SHOULD HONOR PROMISES OR COMMITMENTS MADE TO ANOTHER  
LAWYER.

III

A LAWYER SHOULD MAKE ALL REASONABLE EFFORTS TO SCHEDULE MATTERS  
WITH OPPOSING COUNSEL BY AGREEMENT.

IV

A LAWYER SHOULD MAINTAIN A CORDIAL AND RESPECTFUL RELATIONSHIP  
WITH OPPOSING COUNSEL.

V

A LAWYER SHOULD SEEK SANCTIONS AGAINST OPPOSING COUNSEL ONLY  
WHERE REQUIRED FOR THE PROTECTION OF THE CLIENT AND NOT FOR MERE  
TACTICAL ADVANTAGE.

VI

A LAWYER SHOULD NOT MAKE UNFOUNDED ACCUSATIONS OF UNETHICAL  
CONDUCT ABOUT OPPOSING COUNSEL.

VII

A LAWYER SHOULD NEVER INTENTIONALLY EMBARRASS ANOTHER LAWYER  
AND SHOULD AVOID PERSONAL CRITICISM OF ANOTHER LAWYER.

VIII

A LAWYER SHOULD ALWAYS BE PUNCTUAL.

IX

A LAWYER SHOULD SEEK INFORMAL AGREEMENT ON PROCEDURAL AND  
PRELIMINARY MATTERS.

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

UNITED STATES OF AMERICA,            )  
  )  
                  Plaintiff,                    )  
  )  
                  v.                            ) No. 12-04016-CV-C-NKL  
  )  
CHARLES E. BONNETT, III, et al.,       )  
  )  
                  Defendants.                )

**SCHEDULING AND JURY TRIAL ORDER**

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and upon consideration of the parties' proposed scheduling order and arguments, the following schedule is hereby established:

**A. TRIAL SETTING:**

1. This case is set for trial on the jury docket commencing at 9:00 a.m. on April 1, 2013, in the United States Courthouse, 80 Lafayette, Jefferson City, Missouri 65101. This is a two week docket and the case may be tried at any time between April 1, 2013 and April 12, 2013. The list of cases to be tried will be sent to the parties approximately six - eight weeks in advance of that docket. The parties shall stay in touch with my courtroom deputy, Renea Kanies (816-512-5689) to determine when their case will be reached for trial.

2. Unless requested within fourteen (14) days from the date of this Order, no continuance of the trial date or the pretrial conference date will be given except upon written notice and for exceptional cause.

**B. PLEADINGS:**

1. Any motion to join additional parties will be filed on or before April 20, 2012.

2. Any motion to amend the pleadings will be filed on or before April 20, 2012.

**C. DISCOVERY:**

1. Absent extraordinary circumstances, all discovery motions will be filed on or before October 10, 2012. See Local Rule 37.1 for procedures that must be followed before filing a discovery motion. The Court will not entertain any discovery motion absent full compliance with Local Rule 37.1. Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, my courtroom deputy may be reached at (816) 512-5689. All teleconference requests should be directed to her. Each party to the dispute shall fax a description of the discovery dispute, **not to exceed one page in length**, to the Court at (573) 636-5108, and to opposing counsel at least 24 hours before the teleconference.

2. Expert designations and depositions will be as follows:

a. On or before September 10, 2012, the Plaintiff will designate any expert witnesses it intends to call at trial. This includes any person who may present evidence under Rules 702, 703, or 705 of the Federal Rules of Civil Procedure.

b. On or before October 10, 2012, the Defendant will designate any expert witnesses it intends to call at trial. This includes any person who may present evidence under Rules 702, 703, or 705 of the Federal Rules of Civil Procedure.

c. On or before November 9, 2012, all depositions of expert witnesses will be completed.

3. All pretrial discovery authorized by the Federal Rules of Civil Procedure will be completed on or before November 9, 2012. This means that all discovery disputes must be resolved and all depositions taken prior to the date specified in this paragraph.

**D. DISPOSITIVE MOTIONS:** All dispositive motions, except those under Rule 12(h)(2) or (3), will be filed on or before November 30, 2012. All summary

judgment motions will comply with Local Rule 56.1. The Court will treat all Daubert motions as dispositive motions for purposes of this paragraph.

***E. EXTENSION OF TIME:***

1. All motions for extension of time pursuant to Rule 6(b) or Rules 31, 33, 34 and 36 must state:

a. The date when the pleading, response or other action is/was first due;

b. The number of previous extensions and the date the last extension expires;

c. The cause for the requested extension, including a statement as to why the action due has not been completed in the allotted time; and

d. Whether the requested extension is approved or opposed by opposing counsel (agreement by counsel of a requested extension is not binding on the Court).

2. Unless requested within fourteen (14) days from the date of this Order, no continuance of the trial date or the pretrial conference date will be given except upon written notice and for exceptional cause.

***F. PRETRIAL CONFERENCES:***

1. An initial pretrial conference in this case will be held on March 21, 2013, at 11:00 a.m., in Judge Laughrey's chambers, 80 Lafayette, Jefferson City, Missouri 65101. Lead trial counsel will participate in this conference. Prior to the initial pretrial conference, counsel for all parties shall meet, prepare and sign a Memo on Pretrial Conference in the form attached. The Memo on Pretrial Conference must be filed electronically by 5:00 p.m. on March 13, 2013. All parties are responsible for the preparation of the Memo on Pretrial Conference and shall jointly complete this Memo.

2. A final pretrial conference will be held one-half (1/2) hour before the trial in Judge Laughrey's chambers, 131 West High Street, Jefferson City, Missouri.

**G. WITNESS LIST:** If a witness is not listed by a party in the Memo on Pretrial Conference, that witness will not be permitted to testify absent leave of Court and then only for the purpose of unanticipated rebuttal or unanticipated impeachment.

**H. EXHIBITS:** The parties shall provide to the courtroom deputy, the morning of trial, an Exhibit Index, with said index being prepared on a form provided by the Clerk's Office.

1. **Exhibit List:** Except by leave of Court for good cause, no exhibit will be received in evidence which is not listed in the Memo on Pretrial Conference.

2. **Marking:** Plaintiff and Defendant shall use numbers, designating who is offering the exhibit (P1 for Plaintiff's Exhibit 1, D1 for Defendant's Exhibit 1, J1 for Joint Exhibits, etc.). Each item, i.e., each photograph, each document, must have its own exhibit number. All exhibits shall be marked by the parties prior to trial.

3. **Copy of exhibits for Court.** At the time an exhibit is used during trial, the party who first uses the exhibit must provide a copy of the exhibit to the Courts.

**I. REQUESTED VOIR DIRE QUESTIONS:** Requested voir dire questions are to be filed at the time of the initial pretrial conference. A courtesy copy of the proposed voir dire questions shall be e-mailed to my assistant at *Fran.Smith@mow.uscourts.gov* (in Word Perfect or compatible software format).

**J. JURY STATEMENT:** The parties are directed to agree upon a statement to be read to the jury setting forth the background of this case and the claims being asserted. This statement will be read to the jury panel prior to the voir dire. The jury statement must



be filed electronically and shall be e-mailed to my assistant at

*Fran.Smith@mow.uscourts.gov* (in Word Perfect or compatible software format).

**K. INSTRUCTIONS:**

1. **Requested Jury Instructions:** Proposed jury instructions shall be submitted at the time of the initial pretrial conference in the following form:

a. **The parties shall meet (by telephone or in person) and confer to assist in filing an agreed upon, single, unified (meaning one) set of proposed jury instructions.** Agreed upon instructions shall include the following notation at the bottom of the proposed instructions: "This proposed instruction is agreed upon by the parties." If a party proposes an instruction that is not agreed upon, the proposed instruction shall indicate which party is proffering the instruction. Proposed instructions by opposing parties on the same subject matter shall be grouped together. (For example, if each party proposed a different preponderance of the evidence instruction, Instruction No. 10A would be the Plaintiff's proffered preponderance of the evidence instruction and Instruction No. 10B would be the Defendants' proffered preponderance of the evidence instruction.) Each instruction shall be numbered individually and each instruction shall begin on a separate sheet of paper.

b. At the bottom of each instruction, the party advancing the instruction shall set forth the citation of the patterned instruction, decision, statute, regulation or other authorities supporting the proposition stated in the proposed instruction.

c. Any modification of a pattern instruction shall be disclosed.

d. Plaintiff's counsel shall be responsible for initiating the instruction meeting with defense counsel, for making arrangements to obtain defense counsel's proposed instructions should the parties not agree, and for filing the unified set of proposed instructions at the initial pretrial conference. A courtesy copy of the instructions shall be e-mailed to my assistant at *Fran.Smith@mow.uscourts.gov* (in Word Perfect or compatible software format).

e. Instructions not requested as set forth above and not filed at the time of the initial pretrial conference shall be deemed to have been not

properly requested within the meaning of Fed. R. Civ. P. 51, *and shall be deemed waived* unless the subject of the request is one arising in the course of trial which could not reasonably have been anticipated prior to trial from the pleadings, discovery or nature of the case.

**L. MOTIONS IN LIMINE:** Motions in limine must be filed at least *ten (10) days* prior to the initial pretrial conference. Responses to any motions in limine must be filed at least *five (5) days* prior to the initial pretrial conference. The parties shall file all motions in limine in a single document on ECF, designating separate evidentiary issues by numbered headings within that document; response or reply briefs shall be filed in a single document on ECF and correspond to the numbered headings in the opening brief

**M. SETTLEMENT DEADLINE:** Unless otherwise ordered, the court hereby imposes a settlement deadline of 12:00 Noon on day before trial. If the case is settled after that date, the court may enter an order to show cause why certain costs should not be imposed on the party or parties causing the delay in settlement.

**IT IS SO ORDERED.**

s/ NANETTE K. LAUGHREY  
NANETTE K. LAUGHREY  
UNITED STATES DISTRICT JUDGE

Dated: March 19, 2012

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 1:11-cv-187-M-S
	)	
THOMAS R. DABBS,	)	
DIANE K. DABBS,	)	
LEE COUNTY,	)	
	)	
Defendants.	)	

**ORDER OF DEFAULT JUDGMENT**

Upon consideration of the United States of America’s motion for default judgment against defendants Thomas R. and Diane K. Dabbs, the memorandum of law in support thereof, the Declarations of Johnny W. Hale and Steven C. Woodliff, the applicable law, the entire record herein, it is hereby ordered:

ORDERED and ADJUDGED that the motion is GRANTED; and it is further

ORDERED that a judgment in favor of the United States and against Thomas R. and Diane K. Dabbs in the amount of \$165,610.66 as of August 17, 2011 plus fees, interest pursuant to 26 U.S.C. §§ 6621, 6622 and other statutory additions accruing as a matter of law thereafter, for federal taxes, penalties, and interest described in paragraph 9 of the Complaint shall be entered;

ORDERED that the federal tax liens of the United States of America attach to defendant’s interest in real property located at 944 County Road 1205, Nettleton, Mississippi and more fully described in paragraph 5 of the complaint;

ORDERED and ADJUDGED the tax liens of the United States be foreclosed on the

Subject Property and that the real property be sold free and clean of the liens and claims of all parties and that the proceeds of the sale be distributed to the United States to be applied to the tax liabilities underlying this judgment; and

ORDERED the United States of America shall submit a proposed decree of foreclosure and order of sale within 14 days from the date of this order.

SO ORDERED this 19<sup>th</sup> day of March, 2011

**/s/ MICHAEL P. MILLS**  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF MISSISSIPPI**

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*Bruce A. Markell*

Honorable Bruce A. Markell  
United States Bankruptcy Judge



Entered on Docket  
March 19, 2012

SULLIVAN, HILL, LEWIN, REZ & ENGEL  
A Professional Law Corporation  
Christine A. Roberts, NV SBN 6472  
Elizabeth E. Stephens, NV SBN 5788  
228 South Fourth Street, First Floor  
Las Vegas, NV 89101  
Telephone: (702) 382-6440  
Fax Number: (702) 384-9102

Attorneys for Chapter 7 panel Trustee,  
Yvette Weinstein

UNITED STATES BANKRUPTCY COURT  
District of Nevada

In re	)	CASE NO. BK-S- 09-16135-BAM
	)	
ROBERT WILLIAM DEICHLER	)	Chapter 7
KATHERINE MARIE DEICHLER,	)	
	)	<b>ORDER GRANTING EX PARTE</b>
Debtors.	)	<b>SUPPLEMENTAL FINAL APPLICATION</b>
	)	<b>FOR COMPENSATION OF SULLIVAN</b>
	)	<b>HILL, LEWIN, REZ &amp; ENGEL</b>
	)	
	)	Date: N/A
	)	Time: N/A
	)	Ctrm: 3
	)	Foley Federal Building
	)	300 Las Vegas Blvd., South
	)	Las Vegas, Nevada 89101
	)	Judge: Hon. Bruce A. Markell

Upon the Ex Parte Supplement Application of the above-named Trustee, Yvette Weinstein, for payment of fees for the benefit of the Estate (“Ex Parte Application”) by Applicant’s counsel in the above-referenced Bankruptcy Case, the Ex Parte Application filed February 23, 2012, having come on by Notice of Opportunity to Object and For Hearing (“Notice”), there being no opposition within the 21 days from the date of service of the Notice, and the Court being well and sufficiently

1 satisfied that said attorneys, as authorized counsel to the Trustee, have incurred necessary fees,  
2 orders the following:

3 **IT IS HEREBY ORDERED** that the Ex Parte Application is hereby granted;

4 **IT IS FURTHER ORDERED** that the Trustee is authorized to pay SULLIVAN, HILL,  
5 LEWIN, REZ & ENGEL their final attorney's fees incurred under Chapter 7 in the sum of One  
6 Thousand One Hundred Dollars and No cents (\$1,110.00) to be paid in full.

7 **IT IS SO ORDERED.**

8 Respectfully Submitted By:

9 /s/ Elizabeth E. Stephens  
10 ELIZABETH E. STEPHENS, ESQ.  
Nevada Bar No: 5788  
11 SULLIVAN, HILL, LEWIN, REZ & ENGEL  
228 South 4<sup>th</sup> Street, First Floor  
12 Las Vegas, Nevada 89101  
Telephone: (702) 382-6440  
13 Facsimile: (702) 384-9102  
Attorney for Chapter 7 Panel Trustee,  
14 Yvette Weinstein

**RULE 9021 DECLARATION**

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

The court has waived the requirement of approval under LR 9021.

This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, 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]:

This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, 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]:

I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Dated this 19<sup>th</sup> day of March, 2012.

SULLIVAN, HILL, LEWIN, REZ & ENGEL  
A Professional Law Corporation

By:           /s/ Elizabeth E. Stephens            
Christine A. Roberts  
Elizabeth E. Stephens  
Attorneys for Yvette Weinstein, Chapter 7  
Trustee

###

Below is the Order of the Court.



*[Handwritten Signature]*

**Marc Barreca**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

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

In re:	
Domlex Destiny Five LLC.,	
Debtor.	
Edmund J. Wood, Trustee of the Estate of Domlex Destiny Five LLC.,	
Plaintiff,	
v.	
Department of the Treasury, Internal Revenue Service,	
Defendant.	

Case No. 08-15880-MLB

Adversary No. 11-02128-MLB

**NOTICE OF TRIAL**  
**AND ORDER SETTING DEADLINES**

**1. Trial Setting.** The above-captioned case is set for a one half day<sup>1</sup> non-jury trial commencing at **1:30 p.m.** on **September 10, 2012**, in the **United States Bankruptcy Court, 700 Stewart Street, Courtroom 7106, Seattle, Washington.**

**2. Compliance.** Counsel and parties are advised that failure to comply with the procedures and deadlines set forth in this order, including the duty to provide the Court with updated documents as necessary, may result in adverse evidentiary rulings, and/or dismissal of the action. **Trials may be stricken and the case dismissed with prejudice or relief entered without further notice, and/or**

<sup>1</sup>If counsel anticipates that the trial will take longer than the length of time set forth in this order, counsel must, within ten (10) days of the date of this order, notify the Court and opposing counsel, by letter electronically filed with the Court, of the anticipated length of trial. The Court will then schedule a pretrial conference to facilitate any changes to the length of the trial and schedule, and to discuss any other preliminary matters.



1 **evidence excluded, for failure to comply with this order.** Counsel (and *pro se* parties) shall advise  
2 chambers in writing of any change of address and/or telephone number.

3 **3. Pretrial Deadlines.**

4 **a. Consent to Trial Conducted by Bankruptcy Judge.**

5  
6 **1. Final Adjudication and Consent to Entry of Final Order or Judgment.** Each  
7 party shall file a separate document by **August 13, 2012** to be entitled “**Notice  
8 Regarding Final Adjudication and Consent.**” The Notice Regarding Final  
9 Adjudication and Consent shall include:

10 a. A repetition of the statements required by Federal Rules of  
11 Bankruptcy Procedure 7008(a) and 7012(b), including, but not limited to,  
12 whether, if the matter is non-core, the party does or does not consent to entry of  
13 final orders or judgment by the bankruptcy judge;

14 b. A statement specifying (a) whether the matter is one that,  
15 although core, may not be adjudicated without consent to final judgment by a  
16 bankruptcy court, and (b) whether such consent is given.

17 **2. Order Regarding Final Adjudication.** If the documents filed pursuant to  
18 subsection (1) above indicates that there is consent or mutual assertion that the  
19 bankruptcy court may enter a final adjudication, the bankruptcy court may, at any  
20 time prior to trial, enter an “**Order Regarding Final Adjudication.**” If there is not  
21 consent or mutual assertion that the bankruptcy court may enter a final adjudication,  
22 the bankruptcy court may designate a party to file a motion in accordance Local  
23 Bankruptcy Rule 5011-1 for withdrawal of reference.

24 **b. Initial Disclosures.** If not already made, all parties shall make the initial disclosures  
25 required by Federal Rule of Civil Procedure 26(a)(1) and Federal Rule of  
Bankruptcy Procedure 7026 by no later than **August 13, 2012.**

**c. Disclosure of Expert Witnesses.** On or before **June 22, 2012**, the plaintiff shall  
disclose to the defendant, in writing the name of each expert witness he intends to  
call at trial, including a brief statement of the opinions to be expressed by each  
expert and the basis and reasons therefore, the data or other information considered  
by the expert in forming the opinions, any exhibits to be used as a summary of or  
support for the opinions, and the qualifications of the expert and the compensation to  
be paid for the study and testimony. On or before **July 12, 2012** the defendant shall  
disclose to the plaintiff, in writing the name of each expert witness he intends to call  
at trial, including a brief statement of the opinions to be expressed by each expert

1 and the basis and reasons therefor, the data or other information considered by the  
2 expert in forming the opinions, any exhibits to be used as a summary of or support  
3 for the opinions, and the qualifications of the expert and the compensation to be paid  
4 for the study and testimony.

5 **d. Business Records.** Any party intending to offer a record into evidence by  
6 declaration pursuant to Federal Rules of Evidence 902(11), 902(12), and 803(6) must  
7 provide written notice of that intention to all adverse parties, and must make the  
8 record and declaration available for inspection on or before **August 13, 2012.**

9 **e. Discovery Cutoff.** All discovery shall be completed on or before **August 21, 2012.**

10 **f. Exhibits.** An identification of each document or other exhibit, including summaries  
11 of other evidence – separately identifying those items the party expects to offer and  
12 those it may offer if the need arises – shall be provided to all adverse parties by  
13 **\*\*[14/tr], 20\*\*.**

14 1. **Identification.** A number sequence shall be used for all exhibits of all  
15 parties, with prefixes indicating the offering party (i.e., P1, P2, P3, etc;  
16 D1, D2, D3, etc.).

17 2. **Format.** Exhibits shall be pre-marked in accordance with this order. Any  
18 documentary exhibits that can reasonably be submitted on 8-1/2 by 11  
19 inch paper shall be, with text on one side only.

20 3. **Submission of Exhibits to Court.** Parties intending to offer exhibits **shall**  
21 **submit two (2) sets of exhibits in 3-ring binders**, as follows: one (1)  
22 original and one (1) copy brought to the Court, 700 Stewart Street, Room  
23 6301, Seattle, Washington. The binders shall include an **index** of the  
24 exhibits, and **identifying tabs** using the number sequence as set forth in  
25 subsection (1) above. Submissions shall be made by the **close of**  
**business on September 5, 2012.**

**g. Non-Expert Witnesses.** The name and, if not previously provided, the address and  
telephone number of each witness – separately identifying those the party expects to  
present and those it may call if the need arises – shall be provided to all adverse  
parties by **August 27, 2012.**

**h. Trial Briefs.** Plaintiff's trial brief shall be filed no later than **September 4, 2012.**  
Defendant's trial brief shall be filed no later than **September 4, 2012.** Trial briefs  
shall include, as an attachment, proposed findings of fact and conclusions of law.  
All must contain the top notation. *See* Local Rules W.D. Wash. Bankr. 9013-1(d).



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

TIMOTHY J. HUDAK, et ux.	*	
		*
Plaintiffs	*	
		*
vs.	*	CIVIL ACTION NO. MJG-11-1271
		*
THE UNITED STATES OF AMERICA	*	
INTERNAL REVENUE SERVICE	*	
		*
Defendant		
		*
*	*	*
*	*	*
*	*	*
*	*	*

INITIAL SCHEDULING ORDER

In accordance with the agreement of the parties:

1. The parties may commence discovery immediately and shall conclude discovery within six months of the issuance of this Order.
2. The parties shall hold the Rule 25(f) conference within 30 days of the issuance of the instant Order.
3. Within 15 days of the Rule 26(f) conference, the parties shall provide their separate positions, or an agreed position, regarding any expert witness discovery, the filing of any summary judgment motions and any other subjects upon which the parties may wish to have an order issued.

SO ORDERED, on Monday, March 19, 2012.

\_\_\_\_\_/s/\_\_\_\_\_  
 Marvin J. Garbis  
 United States District Judge



no substantive detriment to the Plaintiff by so labeling the document, the Court shall accept the Government's view.

Accordingly:

1. The Motion for Approval to File First Amended Complaint for Refund of Collections Related to Personal Assessment of Withholding Taxes and Abatement of Said Assessment [Document 28] is GRANTED.
2. The proffered Amended Complaint shall be filed and docketed as Plaintiff's Supplement to Complaint.
3. The Government shall respond to the Supplement to the Complaint by April 24, 2012.
4. The case shall proceed pursuant to the Initial Scheduling Order issued herewith.

SO ORDERED, on Monday, March 19, 2012.

/s/ \_\_\_\_\_  
Marvin J. Garbis  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:10-cv-286-KS-MTP

VERNON LEON HUX, JR., *et al.*

DEFENDANTS

**ORDER**

THIS MATTER is before the court on the motion [22] of the United States to extend the motions deadline. The motion represents that it is unopposed. For the reasons which follow, the motion will be granted in part and denied in part.

As an initial matter, no good cause has been shown for an extension. That the parties hope to one day reach a settlement is not good cause to suspend the case deadlines. The parties are always free to discuss settlement.

Additionally, the lengthy forty-five (45) day extension requested could not be granted even if good cause were established. Moving the motions deadline as proposed leaves insufficient time for the briefing and disposition of motions prior to the pretrial conference. A modest extension will be granted.

IT IS, THEREFORE, ORDERED that the motions deadline is extended only to April 1, 2012. Any other relief demanded in the motion is denied.

SO ORDERED this the 19<sup>th</sup> day of March, 2012.

s/ Michael T. Parker  
\_\_\_\_\_  
United States Magistrate Judge

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BARBARA JEAN LASKO,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. C12-353-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the petition to quash a third-party summons filed by Donald T Grahn. (Dkt. No. 2.) Mr. Grahn is not a party to this case. His petition appears to be related to his own legal affairs, not those of Plaintiff Lasko. Mr. Grahn's naked assertion that "the issues/arguments are about 90% the same" is not a sufficient basis for joinder. Mr. Grahn's petition is hereby STRICKEN.

DATED this 19th day of March 2012.

William M. McCool  
Clerk of Court

s/Tim Farrell  
Deputy Clerk



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IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RUDOLPH J. LUSCHER, JR. and )  
 )  
GLEENDA D. LUSCHER, husband and wife; )  
 )  
LIFETIME LEASING & RESOURCES, LLC, a )  
 )  
dissolved Oregon limited liability company; )  
 )  
CLARK COUNTY, WASHINGTON; and )  
 )  
CITIBANK (SOUTH DAKOTA), )  
 )  
N.A., )  
 )  
Defendants. )

Civil No. 11-CV-05189-RBL

**ORDER GRANTING  
UNITED STATES' MOTION FOR:  
(1) DEFAULT JUDGMENT AS TO  
CITIBANK AND LIFETIME  
LEASING,  
(2) SUMMARY JUDGMENT AS  
TO OTHER PARTIES AND  
CLAIMS, and  
(3) ORDER OF SALE**

Based on the United States' motion, the declarations in support thereof, and the rest of the record herein, the Court finds and concludes that the motion should be granted for the reasons set forth therein. Specifically, the United States has satisfied the factors necessary for a judgment by default against defendants Citibank (South Dakota, N.A.) and Lifetime Leasing & Resources, LLC, extinguishing any interest those defendants have or claim to the subject real property, and the United States has shown that, as to the remaining defendants and claims, there is no genuine issue of material fact and that it is entitled to judgment as a matter of law foreclosing its federal tax liens against the subject real property, which is beneficially owned by defendants Rudolph J.

ORDER GRANTING MOTION FOR JUDGMENT  
AND ORDER OF SALE  
Case No. 11-CV-05189

1 Luscher and Glenda D. Luscher, the taxpayers, even though legal title is held by their nominee,  
2 defendant Lifetime Leasing & Resources, LLC. Further, the United States has shown that it is  
3 entitled to an order of judicial sale of the subject property under 26 U.S.C. § 7403, "Action to  
4 Enforce Lien or Subject Property to Payment of Tax."

5 Accordingly, the United States' Motion for (1) Default Judgment As to Citibank and  
6 Lifetime Leasing, (2) Summary Judgment As to Other Parties and Claims, and (3) Order of Sale  
7 is hereby GRANTED, and it is hereby ORDERED and ADJUDGED:

8 1. JUDGMENT BY DEFAULT is hereby entered as against Citibank (South Dakota,  
9 N.A.) and Lifetime Leasing & Resources, LLC extinguishing any interest in or claim either of  
10 them may have to the subject property, which is particularly described in the Order of Sale to be  
11 issued separately.

12 2. SUMMARY JUDGMENT is hereby entered as to other defendants and claims,  
13 foreclosing the federal tax liens against the subject property through a judicial sale to be  
14 conducted pursuant to the Order of Sale to be issued separately.

15 3. An appropriate ORDER OF SALE shall be issued separately.

16 IT IS SO ORDERED this 19th day of March, 2012.

17   
18 RONALD B. LEIGHTON  
19 UNITED STATES DISTRICT JUDGE

1 Presented by:

2 /s/ W. Carl Hankla  
3 W. CARL HANKLA  
4 Trial Attorney, Tax Division  
5 U.S. Department of Justice  
6 P.O. Box 683, Ben Franklin Station  
7 Washington, D.C. 20044-0683  
8 Telephone: (202) 307-6448  
9 Fax: (202) 307-0054  
10 [w.carl.hankla@usdoj.gov](mailto:w.carl.hankla@usdoj.gov)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following: Clark County Deputy Prosecuting Attorney Lori L. Volkman, [lori.volkman@clark.wa.gov](mailto:lori.volkman@clark.wa.gov).

And I hereby certify that I have mailed the foregoing by United States Postal Service to the following non-CM/ECF participants: None (no defendant other than Clark County is entitled to notice: the Luschers have stipulated to judgment, a default has been entered against Lifetime Leasing & Resources, LLC, and Nicole Allman has been dismissed).

/s/ W. Carl Hankla  
W. CARL HANKLA  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 683, Ben Franklin Station  
Washington, D.C. 20044-0683  
Telephone: (202) 514-9593  
Fax: (202) 307-0054  
[w.carl.hankla@usdoj.gov](mailto:w.carl.hankla@usdoj.gov)

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IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RUDOLPH J. LUSCHER, JR. and )  
 )  
GLENDA D. LUSCHER, husband and wife; )  
 )  
LIFETIME LEASING & RESOURCES, LLC, a )  
 )  
dissolved Oregon limited liability company; )  
 )  
CLARK COUNTY, WASHINGTON; and )  
 )  
CITIBANK (SOUTH DAKOTA), )  
 )  
N.A., )  
 )  
Defendants. )

Civil No. 11-CV-05189-RBL

**ORDER OF SALE**

On March 19, 2012, the Court entered judgment foreclosing federal tax liens against certain real property beneficially owned by Rudolph J. Luscher, Jr. and Glenda D. Luscher located at 30217 NW 31st Avenue, Ridgefield, Washington 98642, Clark County Assessor's tax account number 211232-000, Clark County Assessor's abbreviated legal description of #30 #37 SEC 9 T4NR1EWM 4A, and more particularly described as.

Parcel I

That portion of Section 9, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

1 Beginning at a point 1080.1 feet North of the Southwest corner of said Section;  
2 thence South 125 feet; thence East 349 feet, thence North 125 feet; thence West  
3 349 feet to the Point of Beginning.

4 Except any portion lying within NW 31st Avenue.

5 Parcel II

6 That portion of Section 9, Township 4 North, Range 1 East of the Willamette  
7 Meridian, Clark County, Washington, described as follows:

8 Beginning at the Southwest corner of Section 9, Township 4 North, Range 1 East  
9 of the Willamette Meridian, Clark County, Washington, and running thence North  
10 1080.1 feet to a point that is 1551.9 feet South of the quarter corner of the West  
11 line of said Section; thence East 1310.9 feet to the East line of the Southwest  
12 quarter of the Southwest quarter of said Section; thence South 1080.1 feet to the  
13 South line of said Section; thence West 1310.9 feet to the Point of Beginning.

14 Except the East 827 feet of the South 344 feet thereof.

15 Also except that portion of Section 9, Township 4 North, Range 1 East of the  
16 Willamette Meridian, Clark County, Washington, described as follows:

17 Beginning at a point 1080.1 feet North of the Southwest corner of said Section;  
18 thence South 125 feet; thence East 349 feet, thence North 125 feet; thence West  
19 349 feet to the Point of Beginning.

20 Also excepting therefrom that portion conveyed to Robert B. Hamilton, Jr. and  
21 Dorothy C. Hamilton, husband and wife, on October 29, 2001 under Auditor's File  
22 No. 3384295, records of Clark County, Washington.

23 Also except any portion lying within NW 299th Street and NW 31st Avenue.

24 (the "Property"). Pursuant to 28 U.S.C. §§ 2001 and 2002 and 26 U.S.C. §§ 7402 and 7403, the  
25 Court enters this Order of Sale.

26 IT IS HEREBY ORDERED as follows:

27 1. The United States Marshal for the Western District of Washington ("Marshal"), or  
28 an Internal Revenue Service ("IRS") Property Appraisal and Liquidation Specialist ("PALS")  
(hereinafter, reference to the Marshal or a PALS shall also refer to his or her agents, officers, and  
representatives), is authorized and directed under 28 U.S.C. §§ 2001 and 2002 to offer for public  
sale and to sell the Property. The United States may choose either the Marshal or a PALS to  
carry out the sale under this Order and shall make the arrangements for any sale as set forth in this  
Order.

1           2.       The Marshal or the PALS is authorized to have free access to the Property and to  
2 take all actions necessary to preserve the Property, including, but not limited to, retaining a  
3 locksmith or other person to change or install locks or other security devices on any part of the  
4 Property, until the deed to the Property is delivered to the ultimate purchaser.

5           3.       The terms and conditions of the sale are as follows:

6               a.       The sale of the Property shall be free and clear of the interests of all current and  
7 former parties in the suit, *including Rudolph J. Luscher, Jr. and Glenda D. Luscher; Lifetime*  
8 *Leasing & Resources, LLC; Clark County, Washington; Citibank (South Dakota, N.A.); Nicole*  
9 *Allman; and the United States (including the Internal Revenue Service).*

10              b.       The sale shall be subject to building lines, if established, all laws, ordinances,  
11 and governmental regulations (including building and zoning ordinances) affecting the Property,  
12 and easements and restrictions of record, if any.

13              c.       The sale shall be held either at the courthouse of the county or city in which the  
14 Property is located or on the Property's premises, or at any other place in accordance with the  
15 provisions of 28 U.S.C. §§ 2001 and 2002.

16              d.       The date and time for sale are to be announced by the Marshal or the PALS.

17              e.       Notice of the sale shall be published once a week for at least four consecutive  
18 weeks before the sale in at least one newspaper regularly issued and of general circulation in  
19 Clark County, Washington, and, at the discretion of the Marshal or the PALS, by any other notice  
20 deemed appropriate. The notice shall contain a description of the Property and shall contain the  
21 terms and conditions of sale in this Order of Judicial Sale.

22              f.       The minimum bid will be set by the IRS. If the minimum bid is not met or  
23 exceeded, the Marshal or the PALS may, without further permission of this Court, and under the  
24 terms and conditions in this Order of Judicial Sale, hold a new public sale, if necessary, and  
25 reduce the minimum bid or sell to the second highest bidder.

1 g. The successful bidder(s) shall be required to deposit at the time of the sale with  
2 the Marshal or the PALS a minimum of ten percent of the bid, with the deposit to be made by  
3 certified or cashier's check payable to the Clerk of the United States District Court for the  
4 Western District of Washington. Before being permitted to bid at the sale, bidders shall display to  
5 the Marshal or the PALS proof that they are able to comply with this requirement. No bids will  
6 be received from any person(s) who have not presented proof that, if they are the successful  
7 bidders(s), they can make the deposit required by this Order of Judicial Sale. The United States  
8 may bid as a credit against its judgment without tender of cash.

9 h. The balance of the purchase price for the Property is to be paid to the Marshal  
10 or the PALS (whichever person is conducting the sale) within twenty days after the date the bid is  
11 accepted, by a certified or cashier's check payable to the United States District Court for the  
12 Western District of Washington. If the bidder fails to fulfill this requirement, the deposit shall be  
13 forfeited and shall be applied to cover the expenses of the sale, including commissions due under  
14 28 U.S.C. § 1921(c), with any amount remaining to be applied to the income tax liabilities of  
15 defendants Rudolph J. Luscher, Jr. and Glenda D. Luscher at issue herein, and the Property shall  
16 be again offered for sale under the terms and conditions of this Order of Sale (or, at the option of  
17 the Marshal or the PALS, the Property shall be offered for sale to the second highest bidder).

18 i. The sale of the Property shall be subject to confirmation by this Court. The  
19 Marshal or the PALS shall file a report of sale with the Court, together with a proposed order of  
20 confirmation of sale and a proposed deed, within thirty days after the date of receipt of the  
21 balance of the purchase price.

22 j. On confirmation of the sale, the Marshal or the PALS shall execute and deliver  
23 a deed of judicial sale conveying the Property to the purchaser.

24 k. On confirmation of the sale, all interests in, liens against, or claims to, the  
25 Property that are held or asserted by all parties to this action are discharged and extinguished.



1           1. On confirmation of the sale, the recording official of Clark County, Washington  
2 shall cause transfer of the Property to be reflected upon that county's register of title.

3           m. The sale of the Property is ordered pursuant to 28 U.S.C. § 2001, and is made  
4 **without right of redemption.**

5           4. Until the Property is sold, defendants Rudolph J. Luscher, Jr. and Glenda D.  
6 Luscher shall take all reasonable steps necessary to preserve the Property (including all buildings,  
7 improvements, fixtures and appurtenances on the Property) in its current condition including,  
8 without limitation, maintaining a fire and casualty insurance policy on the Property. They shall  
9 neither commit waste against the Property nor cause or permit anyone else to do so. They shall  
10 neither do anything that tends to reduce the value or marketability of the Property nor cause or  
11 permit anyone else to do so. They shall not record any instruments, publish any notice, or take  
12 any other action (such as running newspaper advertisements or posting signs) that may directly or  
13 indirectly tend to adversely affect the value of the Property or that may tend to deter or discourage  
14 potential bidders from participating in the public auction, nor shall they cause or permit anyone  
15 else to do so.

16           5. All persons occupying the Property shall vacate the Property permanently within  
17 40 days of the date of this Order, each taking with them his or her personal property (but leaving  
18 all improvements, buildings, fixtures, and appurtenances to the Property). If any person fails or  
19 refuses to vacate the Property by the date specified in this Order, the Marshal, alone, is authorized  
20 to take whatever action he or she deems appropriate to remove such person from the premises,  
21 including the use of reasonable force, whether or not the sale of such Property is being conducted  
22 by a PALS. If any person fails or refuses to remove his or her personal property from the  
23 Property by the time specified herein, the personal property remaining on the Property thereafter  
24 is deemed forfeited and abandoned, and the Marshal is authorized to remove it and dispose of it in  
25 any manner he or she deems appropriate, including sale, in which case the proceeds of the sale are  
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1 to be applied first to the expenses of sale and the balance to be paid into the Court for further  
2 distribution.

3 6. The proceeds arising from sale are to be paid to the Clerk of this Court and applied  
4 as far as they shall be sufficient to the following items, in the order specified:

5 a. To the Marshal or the PALS (whichever person conducted the sale as arranged  
6 by the United States) for the costs of the sale, including any expenses of maintaining the Property  
7 prior to sale and confirmation by the Court.

8 b. To all taxes and other assessments unpaid and matured that are owed to Clark  
9 County constituting a lien on the Property.

10 c. To the United States of America, without reduction for any registry fees,<sup>1</sup> for  
11 application to the unpaid federal tax assessments made against defendants Rudolph J. Luscher, Jr.  
12 and Glenda D. Luscher for federal income taxes for the years 1996-1998, including all accrued  
13 statutory penalties, additions, and interest, until fully paid.

14 d. Any further remaining sale proceeds shall be held in the Court's registry  
15 pending further order from the Court.

16 IT IS SO ORDERED this 19th day of March, 2012.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

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25 <sup>1</sup>“In cases where the United States Government is a party to the action underlying the registry  
26 investment, the funds initially withheld in payment of the [registry] fee may be restored to the United States  
27 upon application filed with the county by . . . government counsel.” 56 Fed. Reg. 56356-01; see also  
*Housekey Financial Corp. v. Hofer*, 2001 WL 429821 at \*1 (E.D. Cal. 2001) (ordering the Clerk to disburse  
all registry funds to the United States “undiminished by any registry fees assessed.”).

1 Presented by:

2 /s/ W. Carl Hankla

3 W. CARL HANKLA  
4 Trial Attorney, Tax Division  
5 U.S. Department of Justice  
6 P.O. Box 683, Ben Franklin Station  
7 Washington, D.C. 20044-0683  
8 Telephone: (202) 307-6448  
9 Fax: (202) 307-0054  
10 [w.carl.hankla@usdoj.gov](mailto:w.carl.hankla@usdoj.gov)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following: Clark County Deputy Prosecuting Attorney Lori L. Volkman, [lori.volkman@clark.wa.gov](mailto:lori.volkman@clark.wa.gov).

And I hereby certify that I have mailed the foregoing by United States Postal Service to the following non-CM/ECF participants: None (no defendant other than Clark County is entitled to notice: the Luschers have stipulated to judgment, a default has been entered against Lifetime Leasing & Resources, LLC, and Nicole Allman has been dismissed).

/s/ W. Carl Hankla  
W. CARL HANKLA  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 683, Ben Franklin Station  
Washington, D.C. 20044-0683  
Telephone: (202) 514-9593  
Fax: (202) 307-0054  
[w.carl.hankla@usdoj.gov](mailto:w.carl.hankla@usdoj.gov)

ARI D. KUNOFSKY  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 227  
Washington, D.C. 20044  
AK4289

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

UNITED STATES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:11-cv-1779-JLL-CCC
	)	
THOMAS MCGINN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

CONSENT ORDER AND JUDGMENT


Upon agreement of the undersigned parties, it is:

ORDERED that judgment is entered in favor of the United States and jointly and severally against Thomas and Anna McGinn on the Count I of the United States' *Complaint* for the unpaid income tax, penalties, and interest for tax years 2001 and 2002 in the amount of \$353,915 as of May 20, 2011, plus lien costs and statutory interest and additions accruing on that amount, and it is

ORDERED, that the parties have consented to a judgment in favor of the United States and against them on Count II of the United States' *Complaint* seeking to foreclose the federal tax liens and sell the real property commonly known as 13 Stafford Road

Chatham, New Jersey more particularly described in the Order of Sale. The United States may accordingly sell the property under the terms of the attached Order of Sale.

SO ORDERED on this 19 day of March, 2012

  
UNITED STATES DISTRICT JUDGE

**Seen and agreed:**

/s/ Ari D. Kunofsky  
ARI D. KUNOFSKY  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office Box 227  
Washington, D.C. 20044  
Tel.: (202) 353-9187  
Fax: (202) 514-6866  
Ari.D.Kunofsky@usdoj.gov

*Counsel for the United States*

/s/ Peter M. Burke  
PETER M. BURKE, Esq.  
Lindabury, McCormick, Estabrook &  
Cooper, P.C.  
53 Cardinal Drive  
Westfield, NJ 07091-2369  
Tel. 908.233.6800, Ext. 418  
Fax 908.233.5078  
Email: pburke@lindabury.com

*Counsel for Thomas and Anna McGinn*

/s/ Andrew P. Zacharda  
ANDREW P. ZACHARDA, Esq.  
Tompkins, McGuire, Wachenfeld  
& Barry, LLP  
Four Gateway Center  
100 Mulberry Street, Suite 5  
Newark, NJ 07102  
Phone: 973-623-7790  
Fax: 973-623-7786

*Counsel for U.S. Bank, National  
Association, as trustee for Credit Suisse  
First Boston HEAT 2005-3*

ARI D. KUNOFSKY  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 227  
Washington, D.C. 20044  
AK4289

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

UNITED STATES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:11-cv-1779-JLL-CCC
	)	
THOMAS McGINN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

ORDER OF SALE

Upon the consent of the parties, the Court now:

ORDERS that the real property commonly known as 13 Stafford Road, Chatham,

New Jersey and more fully described as:

BEING known and designated as Lot 14 in Block 48-L as shown on a certain map entitled "Final Plat, Section No. 1, Arrowhead Estates, Township of Chatham, Morris County, N.J." made by Aurnhammer Associates, Inc., Civil Engineers and Land Surveyors, Summit, N.J., dated May 1, 1969 and recorded in the Office of the Clerk of Morris County on December 11, 1969 as Map No. 3021.

("Property") be sold under 28 U.S.C. §§ 2001 and 2002 as follows:

1. The Internal Revenue Service Property Appraisal and Liquidation Specialists ("PALS"), is authorized to offer for public sale and to sell the Property after March 12, 2012.

2. The terms and conditions of the sale are as follows:

a. The sale of the Property shall be free and clear of the interests of all parties in the suit.

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

c. The sale shall be held either at the courthouse of the county or city in which the Property is located or on the Property's premises;

d. The PALS shall announce the date and time for sale yet that date and time of sale;

e. Notice of the sale shall be published once a week for at least four consecutive weeks before the sale in at least one newspaper regularly issued and of general circulation in Morris County, and, at the discretion of the PALS, by any other notice that the PALS deems appropriate. The notice shall contain a description of the property and shall contain the terms and conditions of sale in this order of sale;

f. The PALS shall set the minimum bid. If the minimum bid is not met or exceeded, the PALS may, without further permission of this Court, and under the terms and conditions in this order of sale, hold a new public sale, if necessary, and reduce the minimum bid.

g. At the time of the sale, the successful bidder(s) shall deposit with the PALS, by money order or by certified or cashier's check payable to the "Clerk of the



United States District Court for the District of New Jersey," a deposit in an amount between 5% and 20% of the minimum bid as specified by the PALS in the published Notice of Sale. Before being permitted to bid at the sale, potential bidders shall display to the PALS proof that they are able to comply with this requirement. No bids will be accepted from any person(s) who have not presented proof that, if they are the successful bidders(s), they can make the deposit required by this order of sale;

h. The successful bidder(s) shall pay the balance of the purchase price for the Property within 60 days following the date of the sale. The certified or cashier's check payable to the "Clerk of the United States District Court for the District of New Jersey" shall be given to PALS who will deposit the funds with the Clerk of the Court. If the bidder fails to fulfill this requirement, the deposit shall be forfeited and shall be applied to cover the expenses of the sale, with any amount remaining to be applied to the tax liabilities of Defendants Thomas and Anna McGinn at issue herein. The Clerk of the Court shall distribute the deposit as directed by the PALS by check made to the "United States Treasury." The Property shall be again offered for sale under the terms and conditions of this order of sale or, in the alternative, sold to the second highest bidder.

i. The Clerk of the Court is directed to accept the proceeds of the sale and deposit it into the Court's registry for distribution pursuant to further Order of this Court.

j. The sale of the Property shall be subject to confirmation by this Court. On confirmation of the sale, the Internal Revenue Service shall execute and deliver its deed conveying the Property to the purchaser. On confirmation of the sale, all interests in, liens against, or claims to, the Property that are held or asserted by all parties to this action are discharged and extinguished.

k. When this Court confirms the sale, the Recording Official of Morris County, New Jersey shall cause transfer of the Property to be reflected upon that county's register of title. The successful bidder at the sale shall pay, in addition to the amount of the bid, any documentary stamps and Clerk's registry fees as provided by law;

l. The sale of the Property is ordered pursuant to 28 U.S.C. § 2001, and is made without right of redemption.

3. Until the Property is sold, Defendants Thomas and Anna McGinn shall take all reasonable steps necessary to preserve the Property (including all buildings, improvements, fixtures and appurtenances on the property) in its current condition including, without limitation, maintaining a fire and casualty insurance policy on the Property. They shall neither commit waste against the Property nor cause or permit anyone else to do so. They shall neither do anything that tends to reduce the value or marketability of the Property nor cause or permit anyone else to do so. The defendants shall not record any instruments, publish any notice, or take any other action (such as running newspaper advertisements, posting signs, or making internet postings) that

may directly or indirectly tend to adversely affect the value of the Property or that may tend to deter or discourage potential bidders from participating in the public auction, nor shall they cause or permit anyone else to do so.

4. All persons occupying the Property shall vacate the Property permanently within 30 days after an eviction notice being sent by the PALS, each taking with them his or her personal property (but leaving all improvements, buildings, fixtures, and appurtenances to the Property). If any person fails or refuses to vacate the Property by the date specified in this Order, the PALS are authorized to coordinate with the United States Marshal to take all actions that are reasonably necessary to have those persons ejected. Any personal property remaining on the Property 30 days after the eviction notice is sent by the PALS is deemed forfeited and abandoned, and the PALS are authorized to dispose of it in any manner they see fit, including sale, in which case the proceeds of the sale are to be applied first to the expenses of sale and the balance to be paid into the Court for further distribution. Checks for the purchase of the personal property shall be made out to the "Clerk of the United States District Court for the District of New Jersey," and the Clerk of the Court is directed to accept these checks and deposit them into the Court's registry for distribution pursuant to further Order of this Court.

5. No later than two business days after vacating the Property pursuant to the deadline set forth in paragraph 4, above, the vacating persons shall notify counsel for the United States of a forwarding address where he can be reached. Notification shall

be made by contacting the paralegal for the United States, Marion Goyette, at (202) 514-6674.

6. As of May 20, 2011, the United States has an interest in the Property in the amount of \$194,663 for the income taxes, penalties, and interest due, plus lien costs and statutory interest and additions that continued to accrue for the year 2001. As of May 20, 2011, the United States also has an interest in the Property in the amount of \$159,252 for the income taxes, penalties, and interest due, plus lien costs and statutory interest and additions that continued to accrue for the year 2002.

7. As of March 12, 2012, the U.S. Bank, National Association, as trustee for Credit Suisse First Boston HEAT 2005-3 ("US Bank"), will have a mortgage interest in the Property in the amount of \$660,581.89 plus an additional \$107.71 per day.

8. Pending the sale of the Property and until the deed to the Property is delivered to the successful bidder, the PALS is authorized to have free access to the premises in order to take any and all actions necessary to preserve the Property, including, but not limited to, retaining a locksmith or other person to change or install locks or other security devices on any part of the Property.

9. After the Court confirms the sale, the sale proceeds deposited with the Clerk of this Court should be applied to the following items, in the order specified:

a. First, to the United States Treasury for the expenses of the sale, including any expenses incurred to secure or maintain the property pending sale and confirmation by the Court.

b. Second to Morris County, or other local taxing authority, for real property taxes and other local assessments due and owing;

c. Third, to US Bank up to the amount of \$165,709.54.

d. Fourth, to the United States for the amount of the income taxes, penalties, and interest due for the year 2002 in the amount of \$159,252 as of May 20, 2011, plus an additional \$17.45 per day.

e. Fifth, to the Defendant US Bank for the amount of its mortgage interest in the Property in the amount of \$660,581.89 as of March 12, 2012 less the payment of \$165,709.54, plus an additional \$107.71 per day after March 12, 2012.

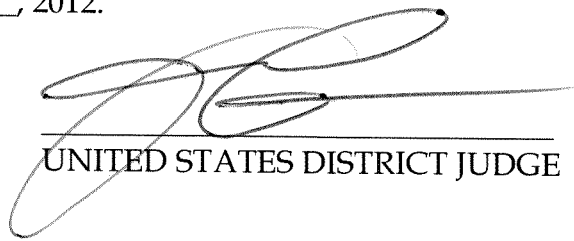
f. Sixth, to the United States for the amount of the income taxes, penalties, and interest due for the year 2001 in the amount of \$194,663 as of May 20, 2011, plus an additional \$21.33 per day.

g. Any further remaining sale proceeds shall be distributed to Thomas and Anna McGinn.

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10. If the Property is sold at a private sale that closes on or before March 12, 2012, with a selling price of \$922,500, and the proceeds are distributed to the United States and U.S. Bank according to paragraphs 9(c) through 9(g), then the United States shall discharge the Property from its federal tax liens for unpaid income taxes for the years 2001 and 2002.

Signed this 19 day of March, 2012.



UNITED STATES DISTRICT JUDGE

**Seen and agreed:**

/s/ Ari D. Kunofsky  
ARI D. KUNOFSKY  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office Box 227  
Washington, D.C. 20044  
Tel.: (202) 353-9187  
Fax: (202) 514-6866  
Ari.D.Kunofsky@usdoj.gov

*Counsel for the United States*

/s/ Peter M. Burke  
PETER M. BURKE, Esq.  
Lindabury, McCormick, Estabrook &  
Cooper, P.C.  
53 Cardinal Drive  
Westfield, NJ 07091-2369  
Tel. 908.233.6800, Ext. 418  
Fax 908.233.5078  
Email: pburke@lindabury.com

*Counsel for Thomas and Anna McGinn*

/s/ Andrew P. Zacharda  
ANDREW P. ZACHARDA, Esq.  
Tompkins, McGuire, Wachenfeld  
& Barry, LLP  
Four Gateway Center  
100 Mulberry Street, Suite 5  
Newark, NJ 07102  
Phone: 973-623-7790  
Fax: 973-623-7786

*Counsel for U.S. Bank, National  
Association, as trustee for Credit Suisse  
First Boston HEAT 2005-3*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 11-62166-Civ-WILLIAMS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AIDEN O'ROURKE, M.D., and  
GUIRLAINE O'ROURKE,

Defendants.

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**ORDER DENYING MOTION TO FILE OUT OF TIME RESPONSE AND GRANTING  
MOTION TO CONTINUE MEDIATION**

THIS MATTER is before the Court on the Government's Unopposed Motion to Continue Mediation [D.E. 28] and Defendant Aiden O'Rourke's<sup>1</sup> Motion to File a Response to the Government's Summary Judgment Motion Out of Time [D.E. 29] (the "Motion to File Late Response"). For good cause shown, the Government's Unopposed Motion is GRANTED. The mediation deadline in this case is continued for sixty days. All other deadlines set out in this Court's Scheduling Order remain in force.

The Government filed its Motion for Summary Judgment on February 10, 2012. [D.E. 25]. Responses were due on February 27, 2012. On February 24, 2012, Defendant moved for an extension of time to file his response. The Court granted Defendant's Motion and ordered any response filed by March 3, 2012. Defendant Aiden O'Rourke failed to file a pleading on March 3<sup>rd</sup>. On March 15, 2012, Defendant filed the Motion to File Late Response claiming that "due to the press of other matters, and

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<sup>1</sup> Defendant Guirlaine O'Rourke has entered into a stipulation with the Government as to the summary judgment motion, and thus no response was expected from her.

consultation with the Defendant as well as the Defendant's accountant, the undersigned has not been able to formulate the response until today's date." Motion at 2. Defendant gave no reason for his failure to request another extension before his time to respond expired.

Pursuant to Rule 6(b), which governs extensions of time, after the time has run for filing a response, a court may allow a late filed response only "where the failure to act was the result of excusable neglect." Fed. R. Civ. P. 6(b). "The fact that counsel has a busy practice does not establish 'excusable neglect' under Rule 6(b)(2)." *McLaughlin v. City of LaGrange*, 662 F.2d 1385, 1387 (11th Cir. 1981). Counsel's two page motion requesting a retroactive extension does not rise to the level of excusable neglect. Accordingly, Defendant's Motion to File Late Response is DENIED. The Court will consider the Government's Motion for Summary Judgment in light of the entire record currently before the Court but will not consider Defendant's Response.

DONE AND ORDERED in chambers in Miami, Florida, this 16<sup>th</sup> day of March, 2012.

  
KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

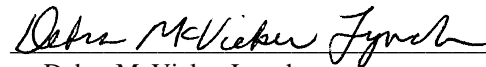
PNC BANK, NATIONAL ASSOCIATION, )  
)  
Plaintiff, )  
)  
v. ) CASE NO. 4:10-cv-00135-SEB-DML  
)  
FAITH D. BARRIENT, et al., )  
)  
Defendants. )

Entry and Order from Status Conference

The parties, by counsel, appeared for a telephone status conference on March 15, 2012, with the magistrate judge. The discovery deadline is extended to June 1, 2012; the summary judgment deadline is extended to July 13, 2012. In the event parties other than the IRS will also seek summary judgment, counsel shall confer in advance of the summary judgment deadline and file a proposed briefing schedule that efficiently consolidates the briefing.

So ORDERED.

Date: 03/19/2012

  
Debra McVicker Lynch  
United States Magistrate Judge  
Southern District of Indiana

Distribution to all counsel of record via CM/ECF

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION**

IN RE: **CHERYL A. REAGAN**  
Debtor

**Case No. 6:04-bk-77590 T**  
CHAPTER 11

**ORDER ON OMNIBUS OBJECTION TO CLAIMS**

Now before the Court is the *Notice of Omnibus Objection to Claims*. The matter came on for hearing March 14, 2012. Having been substituted for the Debtor, Frederick Wetzel, III, Trustee, personally appeared. Based on the evidence, arguments and findings, it is found:

Claim **No. 1** - claim undocumented and unsigned; omnibus *objection sustained*, claim disallowed.

Claim **Nos. 3, 5, 6, 7, 8, 9, 11, 13, 14** - omnibus *objection withdrawn*, claims allowed.

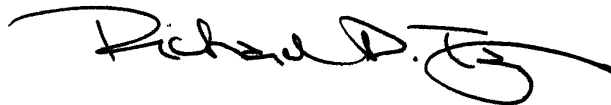
Claim **Nos. 4, 20** - omnibus *objection moot*, claims were withdrawn..

Claim **Nos. 2, 10, 12, 15, 16, 17, 18, 19, 21** - all or portions of these claims have been paid; any unsecured portions of the claims have been withdrawn or are subject to the omnibus *objection which is sustained* - no further payments will be made on these claims.

Claim **No. 22**- omnibus objection withdrawn; Trustee *objection previously sustained* and claim disallowed per order 2/7/12.

**IT IS SO ORDERED.**

DATE: March 19, 2012



HONORABLE RICHARD D. TAYLOR  
UNITED STATES BANKRUPTCY JUDGE

cc: James F. Dowden, Esq., 212 Center Street, 10<sup>th</sup> Floor, Little Rock, AR 72201-2441  
Roger Rowe, Esq., 11300 Cantrell Rd, Suite 201, Little Rock, AR 72212-1842  
Kimberly Burnette, Esq., 1521 Merrill Drive, Suite D-220, Little Rock, AR 72211-1654  
Michael McCrary, Esq., 135 Section Line Rd, Suite 5, Hot Springs, AR 71913-6447  
John Vines, Esq., 123 Market St., Hot Springs, AR 71901-5308  
Marc Honey, Esq., P O Box 1254, Hot Springs AR 71902-1254  
James A. Johnson, Jr., Esq., 119 South Main, Suite 500, Memphis, TN 38103  
United States Trustee, 200 West Capitol, Suite 1200, Little Rock, AR 72201-3618  
Frederick S. Wetzel, III, 200 N State St, Suite 200, Little Rock, AR 72201-1399

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

ANTHONY J. SAMANGO, JR.,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 11-819
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	
<hr/>		
ANTHONY J. SAMANGO, III,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 11-1789
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 16th day of March 2012, upon consideration of the Motion of Anthony J. Samango, Jr. and Anthony J. Samango, III to Quash and for a Protective Order (Doc. No. 21), the Second Motion by Anthony Samango, Jr. and Anthony J. Samango, III to Quash and for a Protective Order (Doc. No. 22), the United States' Brief in Opposition to Plaintiffs' Motion to Quash Subpoenas and for a Protective Order (Doc. No. 26), the United States' Brief in Opposition to Plaintiffs' Second Motion to Quash Subpoenas and for a Protective Order (Doc. No. 28), the Reply Memorandum in Further Support of Plaintiffs' Motions to Quash Subpoenas and for a Protective Order (Doc. No. 29), and for reasons stated on the record during a telephone conference with counsel for the parties held on March 16, 2012, it is **ORDERED** as follows:

1. The Motion of Anthony J. Samango, Jr. and Anthony J. Samango, III to Quash and for a Protective Order (Doc. No. 21) is DENIED.

2. The Second Motion of Anthony J. Samango, Jr. and Anthony J. Samango, III to Quash and for a Protective Order (Doc. No. 22) is DENIED.

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.

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

ANTHONY J. SAMANGO, JR.,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 11-819
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	

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ANTHONY J. SAMANGO, III,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 11-1789
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	

**THIRD AMENDED SCHEDULING ORDER**

**AND NOW**, this 19th day of March 2012, following an on the record telephone conference with all parties held on March 16, 2012, it is **ORDERED** that the Second Amended Scheduling Order of January 30, 2012 (Doc. No. 23) is amended as follows:

1. The parties shall appear for mediation before Chief Magistrate Judge Carol Wells on **May 11, 2012 at 10:00 a.m.** in room 3016, United States Courthouse. The parties and/or persons with full authority to settle must accompany counsel to the mediation unless excused in advance by Judge Wells.
2. All fact discovery shall be completed by **May 1, 2012.**
3. Counsel for each party shall serve upon counsel for every other party the information

referred to in Federal Rule of Civil Procedure 26(a)(2)(B) by expert report or answer to expert interrogatory no later than **May 30, 2012**. If the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, counsel shall serve the information on counsel for every other party no later than **June 13, 2012**. Expert depositions, if any, shall be concluded no later than **June 27, 2012**.

4. Any party expecting to offer opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 with respect to the issues of liability and damages shall, within the time required for submission of information and/or reports for expert witnesses on liability and damages set forth in the preceding paragraph, serve opposing parties with concise details and/or documents covering the lay opinions of the Rule 701 witnesses, including the identity of each witness offering the opinion, the substance and the basis for each opinion.

5. All motions for summary judgment and *Daubert* Motions, if any, shall be filed no later than **July 24, 2012**, and responses to any such motions shall be filed no later than **August 14, 2012**. Motions for summary judgment and responses shall be filed in the form prescribed in Judge Slomsky's Scheduling and Motion Policies and Procedures, a copy of which can be found at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

6. On or before **August 7, 2012**, counsel for each party shall serve upon counsel for every other party:

- (a) a copy of each exhibit the party expects to offer at trial, together with an index of all trial exhibits marked with consecutive numbers;
- (b) the curriculum vitae for each expert witness expected to testify;
- (c) proposed stipulations; and

(d) a specific designation of each discovery item expected to be offered into evidence.

7. No later than **August 21, 2012**, the parties shall file their pretrial memoranda. Each party's pretrial memorandum shall include the following information:

(a) a detailed factual summary of the party's contentions;

(b) the identity of each fact, liability, and damages witness to be called at trial with a statement of the nature of the expected testimony (witnesses not listed may not be called by that party in its case-in-chief);

(c) the identity of each expert witness to be called at trial with a concise statement of each opinion to be offered by the expert;

(d) a curriculum vitae for each expert witness;

(e) designation of videotaped trial testimony;

(f) designation of deposition testimony to be offered at trial specifying witness, pages, and line numbers;

(g) a list of each item of monetary damages claimed, including, as appropriate, computations of lost earnings and loss of future earning capacity, medical expenses, property damage, and any other economic loss; or, if relief other than monetary damages is sought, information adequate for framing an order granting the relief sought;

(h) stipulations, if any;

(i) objections to and the grounds for the objections to the admissibility of any item of evidence expected to be offered by another party; and

(j) a statement of any anticipated legal issues on which the Court will be required

to rule.

8. All motions in limine and any other pretrial motions shall be filed no later than **September 6, 2012**. Responses, if any, shall be filed no later than **September 13, 2012**.

9. No later than **September 13, 2012**, the parties shall file joint proposed jury instructions on substantive issues and proposed verdict forms or special interrogatories to the jury. Each party also shall file proposed jury instructions, verdict forms or special interrogatories on those issues not agreed upon by the parties in their joint submission. Each jury instruction shall be submitted on a separate sheet of paper, double spaced, with accurate quotes from and citations to cases and pattern jury instructions where appropriate. Jury instructions shall also be sent to Chambers on the date of filing referred to in this paragraph on a floppy or compact disc in Word Perfect format. Counsel shall also submit proposed jury instructions, verdict forms, or special interrogatories on separate floppy or compact discs, in Word Perfect format.

10. Prior to the final pretrial conference, counsel shall confer on proposed voir dire questions and, if possible, agree on proposed voir dire questions. Unless the parties agree otherwise, they shall submit to the Court their final voir dire questions no later than **September 13, 2012**.

11. Prior to the final pretrial conference, counsel shall confer regarding stipulations and exhibits. Counsel shall resolve, if possible, objections to exhibits and witnesses. Failure to confer shall result in the imposition of sanctions.

12. A final pretrial conference will be held on **September 28, 2012 at 2:00 p.m. in Chambers (Room 5614)**.

13. At the final pretrial conference, the parties shall provide the Court with one copy of each exhibit and three copies of a schedule of exhibits which shall briefly describe each exhibit. At



the commencement of trial, the parties shall provide the Court with two copies of each exhibit. Exhibits shall be arranged and tabbed in a ring binder.

14. At the final pretrial conference, counsel shall be prepared to argue pending motions in limine, and objections to witnesses and exhibits. Counsel shall be prepared to state their objections to voir dire, witnesses, and exhibits, and to respond to opposing counsel's objections. It is expected that counsel will have complied with the requirement to confer regarding voir dire, witnesses, and exhibits set forth in paragraphs 10 and 11, leaving for the Court only those objections the parties could not resolve.

15. Only those exhibits, discovery items, and expert witnesses identified in the manner set forth in this Order shall be considered for admission into evidence at trial.

16. No later than **September 6, 2012**, any party objecting to deposition testimony shall file the objections, setting forth the page and line numbers of the challenged testimony and a clear statement of the basis for each objection. The objecting party must provide the Court with a copy of the portions of the deposition transcript with the challenged testimony highlighted. Failure to comply with these requirements shall constitute a waiver of all objections.

17. This case will be listed for trial on **October 3, 2012 at 9:30 a.m. in a Courtroom to be determined**. Counsel and all parties shall be prepared to commence trial on that date. All counsel are **attached** for trial.

18. If a witness may be unavailable at the time of trial in the manner defined in Federal Rule of Civil Procedure 32(a)(4), the Court expects use of oral or videotape depositions at trial of any witness whose testimony a party believes essential to the presentation of that party's case, whether that witness is a party, a non-party or an expert. The unavailability of any such witness will

not be a ground to delay the commencement or progress of an ongoing trial. In the event a deposition is to be offered, the offering party shall file with the Court, no later than ten (10) business days prior to the commencement of the trial, a copy of the deposition, but only after all efforts have been made to resolve objections with other counsel. Unresolved objections shall be presented in the manner prescribed in paragraph 16.

19. For all filings submitted and conferences held pursuant to this scheduling order, and for all pretrial and trial proceedings referred to herein, counsel shall follow Judge Slomsky's Policies and Procedures, a copy of which can be found online at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.

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U.S. BANKRUPTCY COURT  
MARY A. SCHOTT, CLERK

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re:

STATION CASINOS, INC., and its affiliated  
debtors-in-possession,

Debtors

THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS,

Appellant,

vs.

STATION CASINOS, INC., et al.

Appellees.

Case Nos. BK-09-52470-GWZ  
through BK-09-52487

Jointly Administered Under  
Case No. BK-09-52477-GWZ

Chapter 11

United States District Court  
Case No.: 3:10-cv-00348-RCJ-VPC

**ORDER OF DISMISSAL**

**TO THE HONORABLE ROBERT C. JONES:**

The undersigned counsel formerly represented the Official Committee of Unsecured Creditors (the "Committee") appointed in the chapter 11 bankruptcy cases of Station Casinos, Inc., and certain of its affiliated debtors-in-possession (the "SCI Debtors").<sup>1</sup>

<sup>1</sup> The SCI Debtors are Station Casinos, Inc.; Northern NV Acquisitions, LLC; Reno Land Holdings, LLC; River Central, LLC; Tropicana Station, LLC; FCP Holding, Inc.; FCP Voteco, LLC; Fertitta Partners LLC; FCP MezzCo Parent, LLC; FCP MezzCo Parent Sub, LLC; FCP MezzCo Borrower VII, LLC; FCP MezzCo Borrower VI, LLC; FCP MezzCo Borrower V, LLC; FCP MezzCo Borrower IV, LLC; FCP MezzCo Borrower III, LLC; FCP MezzCo Borrower II, LLC; FCP MezzCo Borrower I, LLC; and FCP PropCo, LLC.

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On August 27, 2010, the Bankruptcy Court entered an order [Bankr. D.I. 2039] confirming the *First Amended Joint Chapter 11 Plan of Reorganization for Station Casinos, Inc. and Its Affiliated Debtors* (Dated July 28, 2010) [Bankr. D.I. 2039] (the "SCI Plan") with respect to the SCI Debtors. The SCI Plan became effective on June 17, 2011. *See Notice of: (I) Entry of Confirmation Order with Respect to Joint Plan; (II) Occurrence on June 17, 2011 of Effective Date of (A) SCI Plan With Respect to SCI Debtors and (B) Joint Plan With Respect to Subsidiary Debtors and GVR; and (III) Related Bar Dates and Objection Deadline* [Bankr. D.I. 3475]. Pursuant to the terms of the SCI Plan, the Committee was dissolved on the effective date of the SCI Plan.


On December 14, 2011, the Bankruptcy Court entered an order closing the Chapter 11 cases of the SCI Debtors [Bankr. D.I. 4159], a copy of which is attached hereto as Exhibit A.

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Given that the Committee has been dissolved and the SCI Debtors' Chapter 11 cases have been closed, the above-captioned appeal should be dismissed.

ORDER

IT IS SO ORDERED.



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ROBERT C. JONES  
United States Chief District Judge  
Dated: This 15th day of March, 2012.

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VANCOUVER CLINIC INC,

Plaintiff(s),

v.

UNITED STATES OF AMERICA,

Defendant(s).

CASE NO. 3:12-cv-05016-BHS

MINUTE ORDER REASSIGNING  
CASE

Pursuant to the Amended General Order 03-11 and a request for reassignment to a district judge having been received, this action is hereby reassigned to Honorable Benjamin H. Settle , United States District Judge. All future documents filed in this case must bear the cause number 3:12-cv-05016-BHS and bear the Judge's name in the upper right hand corner of the document.

DATED March 19, 2012

William M. McCool  
Clerk of Court

By: /s/ Kelly A Miller  
Deputy Clerk

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON MUTUAL INC,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C06-1550 MJP

MINUTE ORDER RE: MOTIONS IN  
LIMINE

The following Minute Order is made by direction of the Court, the Honorable Marsha J. Pechman, United States District Judge:

At the pretrial conference held on March 16, 2012, the Court orally ruled on the pending motions in limine (Dkt. Nos. 116 and 119). The motions are DENIED.

The clerk is ordered to provide copies of this order to all counsel.

1 Filed this 19th day of March, 2012.


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3 William M. McCool  
4 Clerk of Court

5 s/Mary Duett  
6 Deputy Clerk

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Below is an Order of the Court.



FRANK R. ALLEY  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

*In re*

WHITSELL MANUFACTURING, INC.,  
Debtor.

Case No. 09-65831-fra11

ORDER RESCHEDULING  
EVIDENTIARY HEARING TO JUNE 27,  
2012

The United States has moved to postpone the evidentiary hearing currently set for June 5, 2012, due to a conflict in counsel's trial schedule. (Mot. Reschedule Evidentiary Hrg. (ECF No. 348).) For good cause shown, it is hereby ORDERED:

1. The Motion to Reschedule Hearing (ECF No. 348) is GRANTED.
2. The evidentiary hearing on the Debtor's Objection to Final Version of Amended Claim of IRS is continued to June 27, 2012.

###

JOHN A. DICICCO  
Principal Deputy Assistant Attorney General  
U.S. Department of Justice, Tax Division

/s/ Adam Strait

ADAM D. STRAIT  
Mass. BBO No. 670484  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 683  
Washington, D.C. 20044-0683  
Telephone: (202) 307-2135  
Facsimile: (202) 307-0054  
adam.d.strait@usdoj.gov

S. AMANDA MARSHALL  
United States District Attorney  
District of Oregon  
*Of counsel*

Attorneys for the United States of America