

1 THOMAS P. O'BRIEN  
 United States Attorney  
 2 ROBB C. ADKINS  
 Assistant United States Attorney  
 3 Chief, Santa Ana Branch  
 LAWRENCE E. KOLE (Cal. Bar No. 141582)  
 4 Assistant United States Attorney  
 411 West Fourth Street, Suite 8000  
 5 Santa Ana, California 92701  
 Telephone: (714) 338-3594  
 6 Facsimile: (714) 338-3708

7 Attorneys for Plaintiff  
 United States of America  
 8

9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA  
 11 SOUTHERN DIVISION

|    |                            |   |                                 |
|----|----------------------------|---|---------------------------------|
| 12 | UNITED STATES OF AMERICA,  | ) | Case No. SA CR 08-180-DOC       |
| 13 | Plaintiff,                 | ) | STIPULATION TO CONTINUE STATUS  |
| 14 | v.                         | ) | CONFERENCE TO AUGUST 4, 2009 AT |
| 15 |                            | ) | 8:30 A.M. AND TO VACATE TRIAL   |
| 16 | MOSES ONCIU, BEATA GIZELLA | ) | DATE                            |
| 17 | PRIORE, and IRENE PEMKOVA, | ) |                                 |
| 18 | Defendants.                | ) |                                 |

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19 Plaintiff United States of America, by and through its  
 20 counsel of record, the United States Attorney for the Central  
 21 District of California, and defendants, Moses Onciu, by and  
 22 through his counsel of record, Gerald Werksman, Beata Gizella  
 23 Priore, by and through her counsel of record, Joel Levine, and  
 24 Irene Pemkova, by and through her counsel of record, Diane Bass,  
 25 stipulate as follows.

26 1. On June 1, 2009, counsel for defendant Pemkova filed an  
 27 ex parte application to be relieved as counsel. The court  
 28 scheduled a hearing on the application for June 17, 2009.

1 Defendant Pemkova was unable to attend that hearing, during which  
2 the court continued the hearing to July 9, 2009. The court  
3 stated that appointment of new counsel for defendant Pemkova, if  
4 ordered, would likely result in the need for an adjustment of the  
5 existing trial date and, therefore, scheduled a status conference  
6 for July 9, 2009 and ordered that all defendants should appear  
7 for the status conference. On July 2, 2009, the court continued  
8 the hearing on the application to be relieved by counsel for  
9 defendant Pemkova and the status conference from July 9 to July  
10 13, 2009 at 1:30 p.m. Trial is currently scheduled in this  
11 matter for August 4, 2009.

12 2. In the event that defendant Pemkova's counsel is  
13 relieved, the parties believe that it will not be possible to  
14 select a reliable date for trial at the status conference on July  
15 13. Instead, new counsel would need to be appointed first and  
16 that counsel's schedule and need for preparation would need to be  
17 considered. In addition, defendant Priore is indigent and her  
18 counsel has stated that she lacks funds to make an extra trip  
19 from her residence to this district for the status conference.  
20 However, defendant Priore already has purchased transportation to  
21 court for August 4, 2009. For these reasons, all counsel and the  
22 parties believe that the status conference should be continued to  
23 August 4, 2009 in order to resolve these issues.

24 3. In addition, in order to allow the selection of a  
25 realistic trial date, all counsel and the parties believe that  
26 the current trial date should be vacated so that the proceeding  
27 on August 4 will consist of a status conference at which the  
28 scheduling of the trial may be considered.

1 4. For the foregoing reasons, the parties agree that the  
2 status conference scheduled for July 13, 2009 shall be continued  
3 to August 4, 2009 at 8:30 a.m., the trial date of August 4, 2009  
4 shall be vacated, and all parties and their counsel shall appear  
5 on August 4, 2009. The hearing on the application by defendant  
6 Pemkova's counsel to be relieved shall remain on calendar on July  
7 13, 2009 at 1:30 p.m.

8 IT IS SO STIPULATED.

9 Dated: July 8, 2009.

10 THOMAS P. O'BRIEN  
United States Attorney

11 ROBB C. ADKINS  
12 Assistant United States Attorney  
Chief, Santa Ana Branch

13 \_\_\_\_\_  
14 /S/  
LAWRENCE E. KOLE  
15 Assistant United States Attorney  
Attorneys for Plaintiff United  
16 States of America

16 Dated: July 8, 2009.

17 \_\_\_\_\_  
18 /S/\*  
GERALD WERKSMAN  
19 Attorney for Defendant  
Moses Onciu  
20 \*pursuant to 7/8/09 authorization

21 Dated: July 8, 2009.

22 \_\_\_\_\_  
23 /S/\*  
JOEL LEVINE  
24 Attorney for Defendant  
Beata Gizella Priore  
25 \*pursuant to 7/8/09 authorization

25 Dated: July 8, 2009.

26 \_\_\_\_\_  
27 /S/\*  
DIANE BASS  
28 Attorney for Defendant  
Irene Pemkova  
\*pursuant to 7/8/09 authorization

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|----|----------------------------|---|--------------------------------|
| 12 | UNITED STATES OF AMERICA,  | ) | Case No. SA CR 08-180-DOC      |
| 13 | Plaintiff,                 | ) | [PROPOSED] ORDER CONTINUING    |
| 14 | v.                         | ) | STATUS CONFERENCE TO AUGUST 4, |
| 15 |                            | ) | 2009 AT 8:30 A.M. VACATING     |
| 16 | MOSES ONCIU, BEATA GIZELLA | ) | TRIAL DATE                     |
| 17 | PRIORE, and IRENE PEMKOVA, | ) |                                |
|    | Defendants.                | ) |                                |

18 The Court has read and considered the Stipulation to  
 19 Continue Status Conference and to Vacate Trial Date filed by the  
 20 parties in this matter on July 9, 2009. For the reasons stated  
 21 in the stipulation, which the Court incorporates by reference  
 22 into this Order,

23 IT IS ORDERED THAT:

24 1. The status conference is continued from July 13, 2009  
 25 to August 4, 2009 at 8:30 a.m.

26 2. The trial date in this matter, which is currently  
 27 scheduled for August 4, 2009 at 8:30 a.m., is vacated.

28 3. All parties and their counsel shall appear for the

