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9

10 IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ARIZONA

11 United States of America,

12 Plaintiff,

13 v.

14 Maria D. Forman et al.,

15 Defendants.

Civil No. 09-CV-444-PHX-SRB

UNITED STATES' RESPONSE IN
OPPOSITION TO MOTION FOR
MAGISTRATE

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17 The United States, through undersigned counsel, hereby responds to the Motion
for Magistrate as follows:

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19 While the United States is amenable to settlement negotiations, it is the position
20 of the United States that magistrate involvement at this stage of litigation would be
21 premature. Discovery has only recently commenced, and the United States has yet to
22 receive any settlement offer from any party. Counsel for the United States has initiated

1 settlement discussions with the representatives of Defendant Maria D. Forman,¹ who
2 has been unavailable to the United States since the inception of this lawsuit. Counsel
3 for the United States has also discussed the possibility of settlement with Mr. Vild, but
4 the issue of his purported representation of DLP LT 13 has yet to be resolved.² It would
5 thus be premature to involve a magistrate judge at this point in the litigation.

6 For the foregoing reasons, the United States respectfully requests that the Motion
7 for Magistrate (Doc. No. 113) be denied.

8 Respectfully submitted this 10th day of November, 2010.

9 DENNIS K. BURKE
10 United States Attorney

11 By: /s/ Alexis V. Andrews
12 ALEXIS V. ANDREWS
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16 Washington, D.C. 20044

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21 ¹ Counsel for the United States has been informed that Defendant Maria Forman's daughter has a Power of Attorney
signed by Defendant Maria Forman and is authorized to engage in settlement discussions on her behalf.

22 ² The United States' Motion to Strike All Pleadings and Documents Filed by Elmer P. Vild on Behalf of DLP LT 13
(Doc. No. 107) is still pending before the Court.

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing UNITED STATES' RESPONSE
IN OPPOSITION TO MOTION FOR MAGISTRATE has been made this 10th day of
November, 2010, by placing copies in the United States Mail addressed to the following:

Maria D. Forman
c/o 5640 E. Duane Lane
Cave Creek, AZ 85331

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