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9 *Attorneys for the United States of America*

10 IN THE UNITED STATES DISTRICT COURT
11 DISTRICT OF ARIZONA

12 UNITED STATES OF AMERICA,

13 Plaintiffs,

14 v.

15 JOSEPH J. LIPARI, EILEEN H. LIPARI and
16 EXETER TRINITY PROPERTIES, L.L.C.,

17 Defendants.

Civ. No. 10-CV-08142-JWS

**INITIAL CASE STATUS REPORT/CASE
SCHEDULING & PLANNING**

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21 The United States and Exeter Trinity Properties, L.L.C. (“Exeter”)¹ hereby address the matters
22 set forth in the Court’s November 4, 2010 minute order, as follows:
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25 _____
26 ¹ A draft of this report was provided to defendants Joseph J. Lipari and Eileen H.
27 Lipari, who, thus far, are proceeding *pro se*. The undersigned Government attorney spoke by
28 telephone with Mrs. Lipari about the report and she basically said that she and her husband are
not represented by counsel and do not understand the report.

1 **(A) Adequacy of the Pleadings; Adequacy of Service; Need to Add, Delete, or**
2 **Substitute Parties.** All parties have been served. Defendant Exeter Trinity Properties, L.L.C.
3 (hereafter “Exeter”) filed an Answer on October 12, 2010. Defendants Joseph J. Lipari and Eileen
4 H. Lipari (“the Lipari’s), who thus far are proceeding *pro se*, sent a letter to the Court on October 6,
5 2010.

6 **(B) Need for Preliminary Motion Practice, e.g., Motions Regarding Jurisdiction,**
7 **Venue, Statutes of Limitation, or Other Like Motions Which Will Affect the Scope of the Case.**
8 Exeter has indicated that it wants to file a summary judgment motion in the near future. The
9 Government may file a dispositive motion, but it is likely that the motion would be filed subsequent
10 to the close of discovery.

11 **(C) The Discovery Needs of the Case.** The United States anticipates serving written
12 discovery and taking three to ten depositions. The Parties submit that a discovery period of ten
13 months to one year would be sufficient and that period would allow time for the parties to determine
14 if this matter can be resolved through a settlement.

15 **(D) Whether the Parties Desire to Have a Scheduling and Planning Conference with**
16 **the Court before Entry of a Scheduling and Planning Order.** The parties do not desire such a
17 conference with the Court.

18 **(E) Whether Settlement is Likely, Unlikely, or not Subject to Present Evaluation, and**
19 **Whether the Parties Desire to Pursue an Alternative Dispute Resolution Procedure.** The
20 prospects of settlement are unknown at this point and the parties do not desire to pursue an
21 alternative dispute resolution procedure.

22 **(F) Present Best Estimate of Length of Trial if the Case is not Settled. Has a Jury**
23 **Been Requested? Is There a Dispute as to the Availability of a Jury Trial?** At this point, the
24 parties anticipate that a trial would take one to three days. A jury trial has not been requested.

25 **(G) Will the Parties Consent to Trial Being Conducted by a Magistrate**
26 **Judge in Accordance with the Provisions of 28 U.S.C. § 636(c).** Not at this
27
28

1 time.

2 DATED this 2nd day of December, 2010.

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DENNIS K. BURKE
United States Attorney

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5

/s/ Charles M. Duffy
CHARLES M. DUFFY
Trial Attorney, Tax Division
U.S. Department of Justice
Attorneys for the United States of America

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Approved on December 1, 2010
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Eileen H. Lipari
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 2010, I electronically filed the foregoing **INITIAL CASE STATUS REPORT/CASE SCHEDULING & PLANNING** with the Clerk of Court using the CM/ECF system and certify that I have mailed by U.S. Postal Service the foregoing to the following non-CM/ECF participants:

Joseph J. Lipari
Eileen H. Lipari
156 Johnson Hill Drive
Waynesville, NC 28786

/s/ Charles M. Duffy
Charles M. Duffy
Trial Attorney, Tax Division
U.S. Department of Justice