

1 KATHRYN KENEALLY
Assistant Attorney General

2 CHARLES M. DUFFY
3 Trial Attorney, Tax Division
U.S. Department of Justice
4 P.O. Box 683
Ben Franklin Station
5 Washington, D.C. 20044-0683
Telephone: (202) 307-6406
6 Email: charles.m.duffy@usdoj.gov
Western.taxcivil@usdoj.gov
7 *Attorneys for the United States of America*

8 JOHN S. LEONARDO
United States Attorney
9 District of Arizona
Of Counsel

10
11 IN THE UNITED STATES DISTRICT COURT
12 DISTRICT OF ARIZONA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

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

17 Defendants.
18

Civ. No. 10-CV-08142-JWS

**UNITED STATES' RESPONSE TO
COUNSEL'S MOTION TO MAKE
SPECIAL APPEARANCE FOR
SETTLEMENT PURPOSES AND
MOTION TO CONTINUE TRIAL**

19
20 On October 10, 2012, Attorney John Friedeman filed a Motion for Leave to Make a Special
21 Appearance and a Motion to Continue the January, 2012 trial (and other pre-trial deadlines). It
22 appears that the basis for the motions is that defendant Exeter Trinity Properties, LLC ("Exeter") is
23 seeking to try to settle the remaining foreclosure claim in the instant suit but, to do so, it has to be
24 represented by a duly-qualified attorney so that, for example, documents necessary to effectuate the
25 settlement can be executed on its behalf and filed with the Court.

26 Mr. Friedeman recently contacted the undersigned Government counsel with a settlement
27 proposal that could be a viable way to resolve the foreclosure claim if, among other things, the details
28 of such an offer can be reduced to writing and if settlement documents that could hereafter be filed

1 with the Court are executed by an attorney on Exeter's behalf.¹ Exeter, as a corporation, cannot
2 appear in this matter and execute and file court documents without counsel.

3 Thus, the Government has no opposition to the motions filed by Mr. Friedeman and it also
4 would like to explore whether this matter can be settled without a trial. The Government also
5 believes that extending the current deadlines by 120 days would be enough time for the parties to
6 determine if this matter can be settled.

7 DATED this 11th day of October, 2012.

8
9 KATHRYN KENEALLY
10 Assistant Attorney General, Tax Division
11 U.S. Department of Justice

12 By: /s/ Charles M. Duffy
13 CHARLES M. DUFFY
14 Trial Attorney, Tax Division

15 Of Counsel:

16 JOHN S. LEONARDO
17 United States Attorney
18 (Attorneys for the United States)

19
20
21
22
23
24
25
26 _____
27 ¹Generally, the undersigned Tax Division Trial Attorney can recommend
28 acceptance or rejection of a settlement offer but only the Attorney General or his proper
designate has the authority to actually accept or reject an offer.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 2012, I served the subject document through the Court's CM/ECF system and, on the same day, I mailed by U.S. Postal Service the foregoing to the following:

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

John Friedeman, P.C.
5103 E. Thomas Road
Phoenix, Arizona 85018

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