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5 Attorney for Defendant
RICHARD KLATT

6
7 IN THE UNITED STATES DISTRICT COURT
8
FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,) No. CR-S-05-462 LKK
10 Plaintiff,)
11 v.) STIPULATION AND ORDER
12 RICHARD KLATT,) Date: May 4, 2010
13) Time: 9:15 a.m.
14 Defendant.) Judge: Hon. Lawrence K. Karlton
15 _____)

16 IT IS HEREBY STIPULATED by and between the parties through their
17 respective counsel, TODD D. LERAS, Assistant United States Attorney,
18 attorney for Plaintiff, and DENNIS S. WAKS, Supervising Assistant
19 Federal Defender, attorney for defendant, that the current Status
20 Conference date of March 9, 2010, be vacated and rescheduled for May 4,
21 2010, at 9:15 a.m., for a status conference/change of plea.

22 Mr. Klatt has had at least four lumbar spinal procedures and
23 numerous posterior cervical spine fusions. Additional surgeries on Mr.
24 Klatt's lower back will be necessary because he has ongoing pain in his
25 back, numbness in one leg and shooting pain in the other. Mr. Klatt
26 was released from the hospital after having surgery where part of his
27 intestines and colon were removed. More recently, he has not
28 completely healed from another surgery which occurred in July. The

1 defendant's doctor has advised counsel in writing that Mr. Klatt's
2 "serious medical conditions... are not improving as expected....".
3 Because of these surgeries, the defendant has been unable to assist
4 counsel.

5 Lastly, defense counsel needs additional time to prepare, to
6 review the discovery, and to interview witnesses.

7 It is further stipulated and agreed to between the parties that
8 the period from the date of this order to May 4, 2010, should be
9 excluded in computing the time within which the trial of the above
10 criminal prosecution must commence for purposes of the Speedy Trial
11 Act. All parties stipulate and agree that this is an appropriate
12 exclusion of time within the meaning of Title 18, United States Code,
13 §3161(h)(4) [Local Code N] (period of physical incompetence of
14 defendant to stand trial) and §3161(h)(7)(B)(iv)[Local Code T4].
15 (Reasonable time to prepare).

16 DATED: March 4, 2010 Respectfully submitted,

17 DANIEL BRODERICK
Federal Defender

18 /s/ Dennis S. Waks
19 DENNIS S. WAKS
20 Supervising Assistant Federal Defender
Attorney for Defendant
21 RICHARD KLATT

22 BENJAMIN B. WAGNER
United States Attorney

23 /S/ Dennis S. Waks for
24 TODD D. LERAS
Assistant U.S. Attorney

25 ORDER

26 **IT IS SO ORDERED.**

27 DATED: March 8, 2010

28 
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT