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Attorney for Defendant
RICHARD KLATT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

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

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

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

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

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

DATED: March 4, 2010

Respectfully submitted,

DANIEL BRODERICK
Federal Defender

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

BENJAMIN B. WAGNER
United States Attorney


Dated: March 4, 2010

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

ORDER

IT IS SO ORDERED.

DATED: March 8, 2010


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT