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7	Attorney for Plaintiff		
8	KIRSTIE DUNBAR-KARI		
9	UNITED STATES DISTRICT COURT		
10	EASTERN DISTRICT, FRESNO DIVISION		
11			
12	KIRSTIE DUNBAR-KARI,	Case No. 1:09-cv-00389-LJO-DLB	
13	Plaintiff,	STIPULATION AND ORDER OF SETTLEMENT	
14	V.	ZZ	
15	UNITED STATES OF AMERICA; STUART JOHNSTON; dba JOHNSTON CONSTRUCTION,		
16	Defendants.		
17	D 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
18	Pursuant to Local Rule 160, please take notice that the parties in the above -entitled action		
19	have agreed to settle this matter in its entirety. Plaintiff Kirstie Dunbar-Kari ("Dunbar-Kari") and		
20	Defendant United States of America ("United States") are in the process of finalizing a settlement		
21	agreement that will require the dismissal of the above-entitled action with prejudice.		
22	IT IS HEREBY STIPULATED by and between Dunbar-Kari and the United States ("the		
23	parties"), for good cause shown, as follows:		
24	WHEREAS, the parties are in the process of finalizing a settlement agreement		
25	("Settlement Agreement");		
26	WHEREAS, Dunbar-Kari filed a Notice of Settlement on January 6, 2011;		
27	WHEREAS, the Court's January 7, 2011 "Order After Settlement" orders the parties to		
28	dismiss the above-entitled case by February 17, 2011;		
	STIPULATION AND ORDER OF SETTLEMENT		
	STIFULATION AN	D OWDER OF SETTEMENT	

1	WHEREAS, the United States, by and through its counsel of record, has advised Dunbar-	
2	Kari, by and through her counsel of record, that it may take the United States up to six (6) weeks	
3	to provide payment to Dunbar-Kari pursuant to the terms of the Settlement Agreement;	
4	WHEREAS, there exists the possibility that the United States will be unable to provide	
5	payment to Dunbar-Kari by February 17, 2011;	
6	THE PARTIES THEREFORE STIPULATE as follows:	
7	1. The parties will dismiss the above-entitled action within three (3) days of receipt	
8	of payment under the Settlement Agreement or by May 2, 2011, whichever is earlier.	
9		
10	Dated: January 18, 2011 McCORMICK, BARSTOW, SHEPPARD WAYTE & CARRUTH LLP	
11		
12	By: /s/ Seth J. Manfredi	
13	Wade M. Hansard Seth J. Manfredi	
14	Attorneys for Plaintiff KIRSTIE DUNBAR-KARI	
15	D. J. J. 10 2011	
16	Dated: January 18, 2011 BENJAMIN B. WAGNER United States Attorney	
17		
18	By:/s/ Alyson A. Berg	
19	Alyson A. Berg Attorneys for Defendant	
20	UNITED STATES OF AMERICA	
21	<u>ORDER</u>	
22		
23	IT IS SO ORDERED: The parties shall file a status report no later than March 31, 2011 as to the status of the payment."	
24		
25	/s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE	
26		
27	DATED: January 19, 2011	
28	99800/00205-1673438.v1	
STOW, TE &	1	