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U.S. DEPARTMENT OF EDUCATION
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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10 THE COUNCIL FOR EDUCATION, a nonprofit
11 corporation, and HAROLD HUGGINS,

12 Plaintiffs,

13 v.

14 U.S. DEPARTMENT OF EDUCATION and
INTERNAL REVENUE SERVICES [sic],

15 Defendants.
16

2:09-cv-1503 FCD KJN PS

**PARTIES' STIPULATION
AND ORDER TO
CONTINUE HEARING AND
STATUS CONFERENCE**

Date: April 1, 2010
Time: 10:00 a.m.
Ctrm: 25 (KJN)

17 The parties hereby recite and stipulate, subject to the approval of the Magistrate Judge
18 as provided for hereon, as follows.

19 RECITALS:

20 1. Plaintiffs have new counsel of record:

21 Rickey Ivie, Esquire
Ivie McNeill & Wyatt
22 444 S. Flower St., Ste. 1800
Los Angeles, CA 90071
23 Tel.: 213-489-0028
Fax: 213-489-0552
24 email: rivic@imwlaw.com and ccharlton@imwlaw.com

25 2. Plaintiffs' new counsel needs time to get up to speed on the case, including
26 reviewing the pending motions, possibly proposing an amended complaint to the defendants
27 and to the Court, and meeting and conferring with defense counsel to see what issues can be
28 resolved.

1 3. The assigned AUSA needs to be on travel in South Carolina the week of April 19,
2 2010. This obligation conflicts with the status conference set for April 22, 2010.

3 STIPULATIONS:

4 1. The parties jointly request that hearing on the pending motions, set for April 1,
5 2010, be CONTINUED until May 20, 2010, at 10:00 a.m. before Judge Newman.

6 2. The parties jointly request that the status conference set for April 22, 2010, be
7 CONTINUED without date, to be reset by the Court at the motion hearing.

8 Dated: March 24, 2010

IVIE McNEILL & WYATT

9 By: /s/ Rickey Ivie

10 RICKEY IVIE

11 Dated: March 25, 2010

BENJAMIN B. WAGNER
United States Attorney

12 By: /s/ Colin C. Sampson

13 COLIN C. SAMPSON
14 Trial Attorney, Tax Division

15 Dated: March 24, 2010

BENJAMIN B. WAGNER
United States Attorney

16 By: /s/ Y H T Himel

17 YOSHINORI H. T. HIMEL
Assistant United States Attorney

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20 **ORDER**

21 1. Because plaintiffs are now represented by counsel in accordance with
22 Eastern District Local Rule 180, the undersigned shall, by separate order, refer this case to the
23 United States District Judge assigned to the matter. See Eastern District Local Rule
24 302(c)(21).

25 2. The undersigned hereby vacates the hearing set for April 1, 2010.

26 3. The parties shall re-notice their respective pending motions, if at all, for
27 an appropriate date before the United States District Judge assigned to the matter.
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1 4. The status conference presently set for April 22, 2010, is vacated,
2 subject to resetting by the United States District Judge assigned to the matter.

3 It is APPROVED and SO ORDERED.

4 DATED: March 26, 2010

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7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE
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