

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 2 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 3 MICHAEL T. PYLE (CSBN 172954)
 Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055
 5 San Francisco, California 94102-3495
 Telephone: (415) 436-7322
 6 Facsimile: (415) 436-6748
 E-mail: michael.t.pyle@usdoj.gov

7 Attorneys for Defendants

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 GERALD VON BARGEN and KHOEUN)
 13 KHAN,)
 14 Plaintiffs,)
 15 v.)
 16 UNITED STATES OF AMERICA, et al.,)
 17 Defendants.)

No. C 06-4744 MEJ

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING HEARING ON
 PLAINTIFF'S MOTION TO PERMIT
 AN ACTION WHICH EXCEEDS THE
 TOTAL AMOUNT OF GOVERNMENT
 CLAIM**

Judge: Hon. Maria Elena-James

No trial date set.

18
 19 IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval
 20 of the Court, that the hearing on Plaintiff's motion to permit an action which exceeds the total
 21 amount of government claim, which was re-set from April 2, 2009 to April 9, 2009 by the Court
 22 is continued to a April 23, 2009, April 30, 2009 or such other date as the Court may select. This
 23 stipulation was agreed to by the parties because counsel for Defendants is not available on April
 24 9, 2009 because he will be in South Carolina attending a course at the National Advocacy Center
 25 and has a CMC in another matter scheduled on April 16, 2009 that conflicts with this Court's
 26 hearing time of 10 a.m. The undersigned would be available for a hearing on April 23, 2009 or
 27 April 30, 2009. The parties have not previously continued any dates referenced in this

28

STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON PLAINTIFF'S MOT. TO PERMIT
 ACTION EXCEEDING AMOUNT OF GOVERNMENT CLAIM
 C 06-4744 MEJ

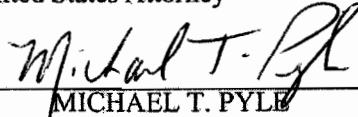
1 stipulation.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: April 1, 2009

By:

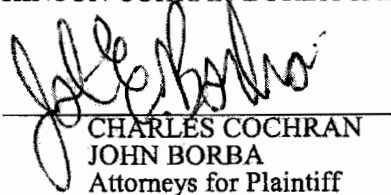


MICHAEL T. PYLE
Assistant United States Attorney
Attorneys for Defendants

HINTON COHRAN BORBA & BECKWITH, LLP

DATED: April 1, 2009

By:


CHARLES COCHRAN
JOHN BORBA
Attorneys for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The hearing on Plaintiff's motion to permit an action which exceeds the total amount of government claim is hereby continued from April 9, 2009 to _____.

IT IS SO ORDERED.

Dated: _____

Hon. Maria Elena-James
United States Magistrate Judge

As the Court previously vacated the hearing on Plaintiffs' motion pending the outcome of the Order to Show Cause, (Dkt. #48), the parties' request is hereby DENIED WITHOUT PREJUDICE. Upon resolution of the order to show cause, the Court shall re-calendar the hearing, if necessary.

Dated: April 1, 2009

