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Attorneys for UNITED STATES OF AMERICA

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

12 ROBERT EWING,)
 13 Plaintiff,)
 14 v.)
 15 UNITED STATES OF AMERICA;)
 16 UNITED STATES POSTAL SERVICE,)
 17 Defendants.)

No. C 07-1229 MEJ

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR WAIVER OF COSTS
 AND WAIVER OF RIGHT TO FILE
 NOTICE OF APPEAL**

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STIPULATION AND PROPOSED ORDER
 Cases C 07-1229 MEJ

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THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

Defendants UNITED STATES OF AMERICA; UNITED STATES POSTAL SERVICE (“Defendants”) waive their right to recover costs from Plaintiff ROBERT EWING in exchange for Plaintiff’s agreement to waive the right to file a Notice of Appeal from the Judgment, entered in favor of Defendants and against Plaintiff on October 15, 2009.

SO STIPULATED.

DATED: October 30, 2009

JANSSEN, MALLOY, NEEDHAM,
MORRISON, REINHOLTSEN & CROWLEY

/s/
MICHAEL J. CROWLEY
Attorney for Plaintiff Robert Ewing

DATED: October 30, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
JONATHAN U. LEE
Assistant United States Attorney
Attorneys for Defendant United States of America

IT IS SO ORDERED:

DATED: November 2, 2009



HON. MARIA ELENA JAMES
United States Magistrate Judge