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8 Attorneys for Defendant United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 SUSAN WYCKOFF, et al,
and CHARLIE EAP,

13 Plaintiffs,

14 v.

15 UNITED STATES OF AMERICA and
16 DANIEL EARL SPERL,

17 Defendants.

) No. C 07-2301 SI

) No. C 07-3600 SI

) (Consolidated for All Purposes)

) FURTHER CASE MANAGEMENT
STATEMENT; STIPULATION [AND]
PROPOSED ORDER

19
20 Pursuant to the Court’s directive, defendant USA has reported to all parties that the
21 United States Department of Justice (“DOJ”) has approved the amount of the proposed
22 settlement, subject to the execution of a standard DOJ Stipulation for Compromise Settlement
23 and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. Section 2677 and
24 Proposed Order (“Stipulation for Compromise Settlement”) and Court approval of same.

25 Defendant USA has circulated a draft Stipulation for Compromise Settlement and the
26 parties are in the process of meeting and conferring about several disputed terms. After the

27 FURTHER CASE MANAGEMENT STATEMENT; STIPULATION [AND] PROPOSED
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1 parties complete their meet and confer efforts, the U.S. Attorney's Office intends to submit a
2 Stipulation for Compromise Settlement to the DOJ for approval. As soon as the DOJ approves
3 the terms of the Stipulation for Compromise Settlement, the parties will promptly file an
4 executed Stipulation for Compromise Settlement for Court approval and the Wyckoff plaintiffs
5 will promptly file a motion to approve minor's compromise.

6 Accordingly, the parties jointly request the Court to vacate all case management dates,
7 including the November 12, 2009, CMC, and to set the case for a Status Conference re
8 Settlement in approximately sixty days.

9 Respectfully submitted,

10
11 JOSEPH P. RUSSONIELLO
12 UNITED STATES ATTORNEY

13 DATED: November 9, 2009 BY: _____ /S/
14 James A. Scharf
15 Assistant United States Attorney
16 Attorney for Defendant United States of America

17 DATED: November 9, 2009 CHAVEZ & GERTLER LLP

18 By: _____ /S/
19 Jonathan Gertler

20 Attorneys for Plaintiffs SUSAN WYCKOFF, individually,
21 and as Administratrix of the Estate of PETER WYCKOFF;
22 ALEXANDER WYCKOFF by and through his Guardian
23 ad Litem, SUSAN WYCKOFF

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27 FURTHER CASE MANAGEMENT STATEMENT; STIPULATION [AND] PROPOSED
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DATED: November 9, 2009

DAVIS LAW OFFICES

By: _____ /S/
Andrew J. Davis

Attorneys for Plaintiffs CHARLIE EAP, heir at law of
decendent Holly Annie Eap

DATED: November 9, 2009

CESARI, WERNER & MORIARTY

By: _____ /S/
Kristina L. Velarde

Attorneys for Defendant DANIEL EARL SPERL

[PROPOSED] ORDER

Upon stipulation of the parties and good cause appearing, all case management dates,
including the November 12, 2009, Case Management Conference, are hereby ordered off
February 6, 2010 at 3 p.m.
calendar. A Status Conference re Settlement is hereby set for ~~January __, 2010, at __ a.m./p.m.,~~
unless the parties file an executed Stipulation for Compromise Settlement and a motion for
minor's compromise before that date. In the event the Status Conference is necessary, the parties
shall file a joint Status Conference Statement three court days before said Status Conference, in
which they shall report on the status of DOJ approval of the Stipulation for Compromise
Settlement.

FURTHER CASE MANAGEMENT STATEMENT; STIPULATION [AND] PROPOSED
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IT IS SO ORDERED.

DATED: _____



HON. SUSAN ILLSTON
United States District Court Judge

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FURTHER CASE MANAGEMENT STATEMENT; STIPULATION [AND] PROPOSED
ORDER
Nos. C 07-2301 SI and C 07-3600 SI