

1 **CHAVEZ & GERTLER LLP**
 2 JONATHAN E. GERTLER (Bar No. 111531)
 3 JOSEPH R. IGELMUND (Bar No. 52493)
 4 42 Miller Avenue
 5 Mill Valley, California 94941
 6 Telephone: (415) 381-5599
 7 Facsimile: (415) 381-5572

8 Attorneys for Plaintiffs
 9 SUSAN WYCKOFF and ALEXANDER WYCKOFF

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

13 SUSAN WYCKOFF, individually, and as)
 14 Administratrix of the Estate of PETER)
 15 WYCKOFF; ALEXANDER WYCKOFF by)
 16 and through his Guardian ad Litem, SUSAN)
 17 WYCKOFF,

18 Plaintiffs)

19 vs.)

20 UNITED STATES OF AMERICA; DANIEL)
 21 EARL SPERL and DOES 1 through 10,)

22 Defendants.)

Case No. C-07-3600 SI

**JOINT UPDATED CASE
 MANAGEMENT CONFERENCE
 STATEMENT**

Date: October 22, 2009
Time: 3:00 p.m.
Judge: Hon. Susan Illston
Courtroom: 10

23 CHARLIE EAP, heir at law of decedent Holly)
 24 Annie Eap,)

25 Plaintiff)

26 vs.)

27 UNITED STATES OF AMERICA, DANIEL)
 28 EARL SPERL,)

Defendants.)

Case No. C-07-2301 SI

The Court continues the case management conference to occur on Thursday, November 12, 2009, at 3 p.m.



1 Pursuant to Local Rule 16-10(d), the parties submit the following Joint Updated Case
2 Management Conference Statement.

3 **Position of Defendants USA, Defendant Sperl, Plaintiff Eap and Plaintiffs'**
4 **Wyckoff:**

5 These cases were settled in their entirety *subject to the approval of the United States*
6 *Department of Justice and the Court* at the August 11, 2009, mediation. The Court set this
7 matter for a further Case Management Conference on October 22, 2009, in anticipation that a
8 decision would be rendered by that time by the United States Department of Justice
9 approving or disapproving the proposed settlement.

10 While five separate levels within the United States Department of Justice have
11 reviewed the proposed settlement, the sixth and final level (the Associate Attorney General)
12 has not yet taken final action. Counsel for defendant USA anticipates that the Associate
13 Attorney General will make a final decision within the next thirty days and possibly even
14 sooner.

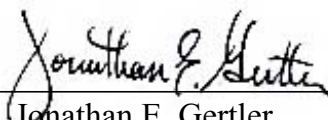
15 Accordingly, the parties jointly request the Court to continue the further CMC for
16 approximately three weeks to afford the United States Department of Justice additional time
17 to complete the approval process.

18 The parties further request that an updated CMC Statement be ordered due three
19 calendar days prior to the new CMC date.

20 The parties will apprise the Court immediately upon final action by the United States
21 Department of Justice. If the proposed settlement is approved by the United States
22 Department of Justice, plaintiff Alexander Wyckoff will file a motion for approval of a
23 minor's compromise and the parties will jointly file a stipulation for compromise settlement and
24 release of FTCA claims pursuant to 28 U.S.C. Section 2677 and proposed order.

25 DATED: October 19, 2009

CHAVEZ & GERTLER LLP

27 By 
Jonathan E. Gertler
28 Attorneys for Plaintiffs Wyckoff

1
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

DATED: October __, 2009

DAVIS LAW OFFICES

By _____
Andrew Davis

Attorneys for Plaintiff Charlie Eap

DATED: October __, 2009

CESARI, WERNER & MORIARTY

By _____
Kristina Velarde

Attorneys for Defendant Sperl
UNITED STATES ATTORNEY

DATED: October 19, 2009

By _____ /s/
James A. Scharf

Attorneys for Defendant USA

Oct. 19. 2009 3:43 PM

Chavez & Cortez LLP

No. 0060

P. 4

1
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

DATED: October 19, 2009

DAVIS LAW OFFICES

By Andrew Davis
Andrew Davis

Attorneys for Plaintiff Charlie Eap

DATED: October __, 2009

CESARI, WERNER & MORIARTY

By _____
Kristina Velarde

Attorneys for Defendant Sperl
UNITED STATES ATTORNEY

DATED: October __, 2009

By _____
James A. Scharf

Attorneys for Defendant USA

1 DATED: October __, 2009

DAVIS LAW OFFICES

2

By _____

3

Andrew Davis

4

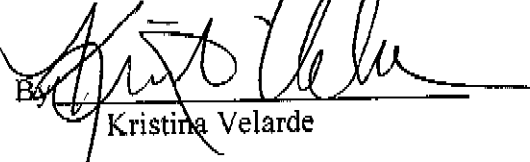
Attorneys for Plaintiff Charlie Eap

5

6 DATED: October 19, 2009

CESARI, WERNER & MORIARTY

7

By  _____

8

Kristina Velarde

9

Attorneys for Defendant Sperl

10 DATED: October __, 2009

UNITED STATES ATTORNEY

11

By _____

12

James A. Scharf

13

Attorneys for Defendant USA

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28