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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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17 PREFERRED EMPLOYERS INSURANCE)
COMPANY,)

No. C09-0346 WHA

18)
Plaintiff,)

**STIPULATION AND [PROPOSED]
ORDER REGARDING AMENDED
COMPLAINT AND STAYING CASE
PENDING RESOLUTION OF
ADMINISTRATIVE CLAIM**

19)
v.)

20)
UNITED STATES POSTAL SERVICE;)

21 TIM MUNSIL; and DOES 1 to 20,)

22)
Defendants.)

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The parties, by and through their counsel of record, hereby stipulate and agree as follows:

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1. Plaintiff Preferred Employers Insurance Company filed the above-captioned Federal Tort
25 Claims Act ("FTCA") action on or about January 26, 2009. Plaintiff brings a subrogation action
26 and claims it paid workers' compensation benefits to Robert Smith for injuries allegedly arising
27 from an August 23, 2005 accident.

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STIPULATION & [PROPOSED] ORDER REGARDING AMENDED COMPLAINT AND
STAYING CASE PENDING RESOLUTION OF ADMINISTRATIVE CLAIM
C09-0346 WHA

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~~[PROPOSED]~~ ORDER

Pursuant to stipulation by the parties, plaintiff will file an amended complaint substituting the United States as the defendant by June 12, 2009. It is further ordered that pursuant to stipulation by the parties, the above-captioned case is stayed until Robert Smith's administrative claim with the United States Postal Service is resolved, either by settlement or a determination on the claim by the United States Postal Service, and the federal defendants' response to the amended complaint shall be due 60 days after the stay in the above-captioned case is lifted.

IT IS SO ORDERED.

Dated: June 15, 2009

WILLIAM ALSUP
UNITED STATES DISTRICT COURT JUDGE

