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5 Attorneys for Plaintiff John Van Curen, Trustee

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 In re

11 JOHN VAN CUREN, as Trustee of the
Chapter 11 Estate of MICHAEL HAT, a/k/a
MICHAEL HAT FARMING COMPANY,

Case No. CV-09-3509

12 Plaintiff,

13 v.

14 FEDERAL CROP INSURANCE
15 CORPORATION; and RISK
MANAGEMENT AGENCY,

16 Defendants.
17

18 **STIPULATION AND ~~[PROPOSED]~~ ORDER TO CONTINUE HEARING ON**
19 **MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND FOR LACK OF**
JURISDICTION AND IN THE ALTERNATIVE TO DISMISS FOR IMPROPER VENUE

20 **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

21 1. On July 30, 2009, JOHN VAN CUREN, the plaintiff herein (the "Plaintiff") filed the
22 *Complaint For Breach Of Contract And For Damages Under 7 C.F.R. § 400.96* (the "Complaint").

23 2. On October 15, 2009, the FEDERAL CROP INSURANCE CORPORATION and the
24 RISK MANAGEMENT AGENCY, the defendants herein (the "Defendants"), responded to the
25 Complaint by filing the *Motion To Dismiss For Failure To State A Claim And For Lack Of*
26 *Jurisdiction, And In The Alternative To Dismiss For Improper Venue* (the "Motion"), which is
27 presently scheduled for hearing on Thursday, January 7, 2010 at 10:00 a.m. (the "Scheduled
28 Hearing")

