

1 MEYERS LAW GROUP, P.C.  
 MERLE C. MEYERS, ESQ., CA Bar #66849  
 2 D. CLARKE SUGAR, ESQ., CA Bar #251681  
 44 Montgomery Street, Suite 1010  
 3 San Francisco, CA 94104  
 Telephone: (415) 362-7500  
 4 Facsimile: (415) 362-7515

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

LAW OFFICES  
**MEYERS LAW GROUP, P.C.**  
 44 MONTGOMERY STREET, SUITE 1010  
 SAN FRANCISCO, CALIFORNIA 94104

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 23 **STIPULATION TO (1) ALLOW FILING OF AMENDED**  
 24 **COMPLAINT; AND (2) ESTABLISHING TIMETABLE FOR**  
**RESPONSIVE PLEADINGS RELATING THERETO; ORDER THEREON**

25 This stipulation is entered into by and between plaintiff JOHN VAN CUREN, as trustee (the  
 26 “Plaintiff”), and the defendants FEDERAL CROP INSURANCE CORPORATION and RISK  
 27 MANAGEMENT AGENCY (collectively, the “Defendants”), through their respective counsel of  
 28 record, as follows:

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**RECITALS**

1. On July 30, 2009, the Plaintiff filed the *Complaint For Breach Of Contract And For Damages Under 7 C.F.R. § 400.96* (the “Complaint,” docket no. 1), initiating this civil action.
2. On October 15, 2009, the Defendants responded to the Complaint by filing the *Motion To Dismiss For Failure To State A Claim And For Lack Of Jurisdiction, And In The Alternative To Dismiss For Improper Venue* (the “Motion,” docket no. 8), and scheduled a hearing thereon for January 7, 2010.
3. On December 17, 2009, the Plaintiff and the Defendants entered into the *Stipulation And [Proposed] Order To Continue Hearing On Motion To Dismiss For Failure To State A Claim And For Lack And In The Alternative To Dismiss For Improper Venue* (the “Stipulation,” docket no. 14) to continue the hearing of the Motion to February 25, 2010. The Court approved the Stipulation and continuance pursuant to an order (the “Order,” docket no. 15) entered on December 30, 2009.
4. In preparing a response to the Motion, the Plaintiff has determined that the Complaint should be amended to allege additional claims for relief, and the parties hereto agree that a hearing of the Motion should be postponed in order to address those new claims for relief after the Complaint has been amended.

**AGREEMENT**

NOW, THEREFORE, the Plaintiff and Defendants hereby stipulate and agree, subject to approval by the above-referenced District Court, as follows:

- A. The Plaintiff shall be allowed to file and serve an amended complaint on or before February 5, 2010, and Defendants consent thereto and agree to accept service of the same by regular U.S. Mail and email service to their counsel of record.
- B. The Defendants shall file and serve either an answer to the Complaint (in which case the Motion shall be deemed withdrawn without prejudice) or an amendment to their Motion, on or before March 17, 2010.
- C. In the event that the Defendants file an amended Motion, then (i) the Plaintiff shall file and serve a response to the amended Motion on or before March 31, 2010; (ii) the Defendants may file and serve a reply thereto on or before April 7, 2010; and (iii) a hearing of the amended Motion

1 shall be scheduled for April 22, 2010, at 10:00 a.m., or as soon thereafter as counsel may be heard,  
2 before the above-captioned District Court.

3 DATED: January 25, 2010 MEYERS LAW GROUP, P.C.  
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5 By /s/ Merle C. Meyers  
6 Merle C. Meyers, Esq.  
7 Attorneys for the Plaintiff

8 DATED: January 26, 2010 JOSEPH P. RUSSONIELLO  
9 United States Attorney  
10  
11 By /s/ Jonathan U. Lee  
12 Jonathan U. Lee  
13 Assistant United States Attorney  
14 Attorneys for the Defendants

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

16 DATED: February 2, 2010

