LAW OFFICES MEYERS LAW GROUP, P.C.

	1	<ol> <li>MEYERS LAW GROUP, P.C. MERLE C. MEYERS, ESQ., CA Bar #66849</li> <li>D. CLARKE SUGAR, ESQ., CA Bar #251681</li> <li>44 Montgomery Street, Suite 1010</li> <li>San Francisco, CA 94104 Telephone: (415) 362-7500</li> </ol>		
44 MONTGOMERY STREET, SUI TE 1010 SAN FRANCI SCO, CALI FORNI A 94104	2			
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	5	Attorneys for Plaintiff John Van Curen, Trustee		
	6	IN THE UNITED STATES DISTRICT COURT		
	7	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
	8	SAN FRANCISCO DIVISION		
	9	In re		
	10			
	11		Case No. CV-09-3509	
	12	Plaintiff,		
	13	v.		
	14	FEDERAL CROP INSURANCE		
	15	CORPORATION; and RISK MANAGEMENT AGENCY,		
	16	Defendants.		
	17			
	18 19	STIPULATION AND <del>[PROPOSED]</del> ORDER TO CONTINUE HEARING ON 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," or collectively with the		
	25	Plaintiff, the "Parties"), responded to the Complaint by filing the Motion To Dismiss For Failure To		
	26	State A Claim And For Lack Of Jurisdiction, And In The Alternative To Dismiss For Improper Venue		
	27	(the "Motion"), initially scheduled for hearing on January 7, 2010, and later continued by stipulation		
	28	between the Parties to February 25, 2010.		
		1 STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING ON MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND FOR LACK OF JURISDICTION AND IN THE ALTERNATIVE TO DISMISS FOR IMPROPER VENUE 9993.969/25235		

In the interim, and upon reviewing the Motion, the Plaintiff determined that it would
 be necessary to amend the Complaint. Accordingly, on February 2, 2010, the Parties filed the
 *Stipulation To (1) Allow Filing Of Amended Complaint; And (2) Establishing Timetable For Responsive Pleadings Relating Thereto; Order Thereon* (the "Stipulation," Docket No. 17), whereby
 the Parties agreed to a new timetable for pleading the controversy, and proposed April 22, 2010 as the
 new hearing date.

7 4. Thereafter, based on the Court's requested recalendaring, the Parties again agreed to
8 continue the hearing date from April 22, 2010 until June 10, 2010 (the "Scheduled Hearing").

5. Based on an additional scheduling conflict for plaintiff's counsel, and at plaintiff's
counsel's request, the Parties have agreed through their respective counsel, subject to Court approval,
to postpone the Scheduled Hearing and reset the Motion for hearing on Thursday, July 1, 2010 at
10:00 a.m., the next available hearing date that accommodates both parties. The Plaintiff's
memorandum in opposition to the Motion shall be filed and served no later than June 9, 2010, and
any reply memorandum shall be filed and served by the Defendants no later than June 18, 2010.

6. By agreeing to this stipulation, the Defendant does not agree that a hearing is
necessary or appropriate; in fact, the matter may be appropriate for decision on the papers.

## 17 IT IS SO STIPULATED.

DATED: May 17, 2010	MEYERS LAW GROUP, P.C.
	By <u>/s/ Merle C. Meyers</u> Attorneys for Plaintiff John Van Curen
	Attorneys for Plantin John Van Curen
DATED: May 17, 2010	JOSEPH P. RUSSONIELLO United States Attorney
	By <u>/s/ Jonathan U. Lee</u> Jonathan U. Lee
	Assistant United States Attorney
	Attorneys for Defendants Federal Crop Insurance Corporation and Risk Management Agency
PURSUANT TO STIPULATION, IT IS SO ORDERED:	
DATED: May 24 2010	Stanh (2)
DATED: May, 2010	HONORA BAL Judge Vaughn R Walker
	United States District Judges
2 STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING ON MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND FOR LACK OF JURISDICTION AND IN THE ALTERNATIVE TO DISMISS FOR IMPROPER VENUE 9993.969/25235	
	DATED: May 17, 2010 <b>PURSUANT TO STIPULATION, IT IS S</b> DATED: May $24$ , 2010 STIPULATION AND [PROPOSED] ORDER TO CONTINUE F STATE A CLAIM AND FOR LACK OF JURISDICTION AND

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