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 7 GONZALES & GONZALES BONDS AND  
 INSURANCE AGENCY, INC. and  
 8 AMERICAN SURETY COMPANY, INC.

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

12 UNITED STATES OF AMERICA, ) **Case No. C 09-04029 MHP**  
 13 )  
 Plaintiff, )  
 14 vs. ) **[Assigned to the**  
 ) **Honorable Marilyn Hall Patel]**  
 15 GONZALES & GONZALES BONDS AND ) **STIPULATION TO ENLARGE THE**  
 INSURANCE AGENCY, INC. and ) **DEADLINE AND PAGE LIMIT FOR**  
 16 AMERICAN SURETY COMPANY, INC., ) **G&G/ASC'S RESPONSE TO THE**  
 17 Defendants. ) **GOVERNMENT'S SUPPLEMENTAL BRIEF**

18 \_\_\_\_\_ )  
 19 GONZALES & GONZALES BONDS AND )  
 INSURANCE AGENCY, INC. and )  
 20 AMERICAN SURETY COMPANY, INC. )  
 21 Counterclaimants, )  
 22 vs. )  
 23 UNITED STATES DEPARTMENT OF )  
 HOMELAND SECURITY, JANET )  
 24 NAPOLITANO, in her capacity as )  
 SECRETARY OF UNITED STATES )  
 DEPARTMENT OF HOMELAND )  
 SECURITY )  
 25 Counterdefendants. )  
 26 \_\_\_\_\_ )

27  
 28 **STIPULATION TO ENLARGE THE DEADLINE AND PAGE LIMIT FOR RESPONSE**  
**CASE NO. C 09-04029 MHP**

1 Pursuant to Civil L.R. 6-1(b) and 7-12, Plaintiff United States of America and  
2 Counterdefendants United States Department of Homeland Security and Janet Napolitano, in her  
3 capacity as Secretary of United States Department of Homeland Security (collectively “United  
4 States”), on the one hand, and Defendants/Counterclaimants Gonzales & Gonzales Bonds and  
5 Insurance Agency, Inc. and American Surety Company, Inc. (“G&G/ASC”), on the other hand,  
6 by and through their respective counsel of record, stipulate and agree as follows:

7 1. On April 12, 2010, the Court heard oral argument concerning (1) the  
8 Government’s motion to dismiss G&G/ASC’s counterclaim, and (2) G&G/ASC’s motion for a  
9 judicial determination regarding the nature of the claims at issue, the appropriate standard of  
10 review, and the scope of allowable discovery.

11 2. At the conclusion of the hearing, the Court ordered “further briefing re 103.1 f (2)  
12 to be filed within two weeks (eight pages), with responsive pleadings (3 pages) to be filed one  
13 week thereafter.”

14 3. On April 26, 2010, the Government filed its supplemental brief and supporting  
15 declarations and exhibits. G&G/ASC contends that the Government’s brief and supporting  
16 materials address issues that exceed the Court’s Order. The Government disagrees with  
17 G&G/ASC’s contention.

18 4. In order to avoid a dispute at this time, the parties agree as follows:

19 a. G&G/ASC shall be permitted a one week extension to file its response to  
20 the Government’s brief and supporting materials. Accordingly, the current May 3, 2010 deadline  
21 shall be extended to May 10, 2010; and

22 b. the current 3 page limit for G&G/ASC’s response shall be extended to 8  
23 pages.

24 5. This stipulation shall not act or be construed as an admission by the Government  
25 that its brief and supporting materials exceed the Court’s Order. Nor shall this stipulation act or  
26 be construed as an admission by G&G/ASC that the Government’s brief and supporting materials  
27 are within the scope of the Court’s Order.

1           6.       There have been no prior modifications of the deadlines or page limits for the  
2 supplemental briefing.

3           7.       The extension of the filing deadline and page limit should have no effect on the  
4 schedule for the case.

5

6           IT IS SO STIPULATED.

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Dated: April 27, 2010

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Assistant Attorney General  
JOSEPH P. RUSSONIELLO  
United States Attorney

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/s/ John Siemietkowski

/s/ David R. Ginsburg

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THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.

DATED: April 28, 2010

