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

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  
15 GONZALES & GONZALES BONDS AND ) Honorable Marilyn Hall Patel]  
16 INSURANCE AGENCY, INC. and )  
17 AMERICAN SURETY COMPANY, INC., ) ADMINISTRATIVE  
18 Defendants. ) MOTION/STIPULATION TO  
19 ) CONSOLIDATE CASES PENDING BEFORE  
20 ) THE HONORABLE MARILYN HALL  
21 ) PATEL

18 GONZALES & GONZALES BONDS AND )  
19 INSURANCE AGENCY, INC. and )  
20 AMERICAN SURETY COMPANY, INC. )

21 Counterclaimants,  
22 vs.

22 UNITED STATES DEPARTMENT OF )  
23 HOMELAND SECURITY, JANET )  
24 NAPOLITANO, in her capacity as )  
25 SECRETARY OF UNITED STATES )  
26 DEPARTMENT OF HOMELAND )  
27 SECURITY )

28 Counterdefendants.

1 Pursuant to Civil L.R. 7-11 and 7-12 and Fed. R. Civ. P. 42(a)(2), Plaintiff United States  
2 of America, Counterdefendants United States Department of Homeland Security and Janet  
3 Napolitano, in her capacity as Secretary of United States Department of Homeland Security  
4 (collectively "United States"), on the one hand, and Defendants/Counterclaimants Gonzales &  
5 Gonzales Bonds and Insurance Agency, Inc. and American Surety Company, Inc. ("G&G/ASC"),  
6 on the other hand, by and through their respective counsel of record, bring this administrative  
7 motion by stipulation, and stipulate and agree as follows:

8 1. Currently pending before this Court are the following matters:

9 a. *United States of America v. Gonzales & Gonzales Bonds and Insurance*  
10 *Agency, Inc., et al.*, Case No. C 09-04029 MHP, filed on August 28, 2009;

11 b. *United States of America v. Gonzales & Gonzales Bonds and Insurance*  
12 *Agency, Inc., et al.*, Case No. C 10-00182 MHP, filed on August 27, 2009 in Tennessee,  
13 transferred to the Northern District of California on January 11, 2010, and ordered related to Case  
14 No. C 09-04029 MHP on April 8, 2010;

15 c. *United States of America v. Gonzales & Gonzales Bonds and Insurance*  
16 *Agency, Inc., et al.*, Case No. C 10-02417 MHP, filed on August 28, 2009 in Indiana, transferred  
17 to the Northern District of California on May 27, 2010, and ordered related to Case No. C 09-  
18 04029 MHP on June 21, 2010.

19 2. All three of the related cases involve immigration bonds, and the parties' duties  
20 and obligations arising under such bonds, as well as defenses to claims of breach of the  
21 immigration bonds. The United States sued in all three cases to collect debt that it alleges is  
22 delinquent. Gonzales & Gonzales, et. al. counterclaimed in Case No. C 09-04029, seeking a  
23 return of monies paid to the United States.

24 3. Although the parties believe that each separate claim based on a bond breach  
25 represents a separate and unique claim, the parties recognize that there exist common questions of  
26 law such that consolidation is appropriate from a legal and administrative standpoint. The parties  
27 also agree that judicial economy will be served by the consolidation of the above-referenced  
28 cases.

1           4.       Mindful of *Huene v. United States*, 743 F.2d 703, 705 (9<sup>th</sup> Cir. 1984) (“[W]here an  
2 order disposes of only one of two or more cases consolidated at the district court level, the order  
3 is not appealable . . . absent a Rule 54(b) certification.”), and respectful of the Court’s prerogative,  
4 the parties agree that nothing in this stipulation shall prevent a party from filing any potential  
5 motions for Rule 54(b) certification.

6           5.       The parties agree that the government will complete production of the A files  
7 pursuant to the Court’s Order of July 27, 2010, dkt. # 48, before beginning production of the A  
8 files in cases 10-00182 and 10-02417.

9           6.       G&G/ASC and the United States therefore respectfully request that the above-  
10 referenced cases be consolidated for all purposes.

11  
12 IT IS SO STIPULATED.

13 Dated: September 2, 2010

14 TONY WEST  
15 Assistant Attorney General  
16 JOSEPH P. RUSSONIELLO  
17 United States Attorney

ROXBOROUGH, POMERANCE, NYE & ADREANI, LLP

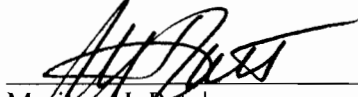
18 /s/ John Siemietkowski  
19 J. CHRISTOPHER KOHN  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/3/10

  
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Marilyn H. Patel  
United States District Judge