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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO/OAKLAND DIVISION**

14	UNITED STATES OF AMERICA,	)	
15		)	
16	Plaintiff,	)	
17		)	
18	v.	)	
19	GONZALES & GONZALES BONDS	)	CASE NO. 10-CV-182 MHP
20	AND INSURANCE AGENCY, INC., and	)	
21	AMERICAN SURETY COMPANY, INC.,	)	
22		)	
23	Defendants.	)	
24		)	
25		)	
26		)	
27		)	
28		)	

**STIPULATION THAT PLAINTIFF IS NOT REQUIRED AT THIS TIME TO FILE A MOTION FOR SUMMARY JUDGMENT PURSUANT TO LOCAL RULE 16-5**

Pursuant to Civil L.R. 6-2 and 7-12, the parties, through their respective counsel, stipulate and agree as follows:

On April 8, 2010, the Court designated this case as related to 09-CV-4029 and transferred

1 it from Judge White to Judge Patel. 09-CV-4029, dkt. # 33. On June 11, 2010, Defendants filed  
2 their Answer in this case. 10-CV-182, dkt. # 35.

3  
4 Plaintiff contends that Local Rule 16-5 requires a plaintiff to file a motion for summary  
5 judgment within 28 days of receipt of a defendant's answer in actions for Court review on an  
6 administrative record. Plaintiff further contends that this is an action for Court review on an  
7 administrative record. Defendants contend that Local Rule 16-5 does not require Plaintiff to file  
8 a motion for summary judgment at all in this action. Defendants further contend that this action  
9 is not an action for Court review on an administrative record, and that full discovery will be  
10 required before Defendants can oppose any summary judgment that Plaintiff may seek to file.

11  
12 The Court has yet to decide the nature of the case in the related matter of 09-CV-4029, or  
13 the nature of the case in this action. Additionally, in this instance, Plaintiff's filing a motion for  
14 summary judgment would seem to contradict #4 of Judge Patel's Standing Orders, which states  
15 "Motions to dismiss shall not be filed before the initial Case Management Conference except by  
16 leave of court." The Court has not yet held its initial Case Management Conference in this case.

17  
18 There have been no prior modifications regarding Local Rule 16-5 in this case. The  
19 requested stipulation would have no effect on the schedule for the case. Therefore, the Parties  
20 stipulate that Plaintiff is not required to file a motion for summary judgment at this time, and that  
21 Plaintiff's forbearance from filing a motion for summary judgment at this time shall not be  
22 deemed to be a violation of Local Rule 16-5.  
23

24  
25 IT IS SO STIPULATED.

26 Dated: June 29, 2010

27 Respectfully submitted,  
28

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16  
17  
18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20  
21  
22 Dated: July 1, 2010

