

1 **STIPULATION TO POSTPONE CASE MANAGEMENT STATEMENT AND**
2 **CASE MANAGEMENT CONFERENCE**

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

5 Currently pending before this Court are the following matters:

- 6 1. *United States of America v. Gonzales & Gonzales Bonds and Insurance Agency,*
7 *Inc., et al.*, Case No. C 09-04029 MHP, filed on August 28, 2009;
- 8 2. *United States of America v. Gonzales & Gonzales Bonds and Insurance Agency,*
9 *Inc., et al.*, Case No. C 10-00182 MHP, filed on August 27, 2009 in Tennessee, transferred to the
10 Northern District of California on January 11, 2010, ordered related to Case No. C 09-04029
11 MHP on April 8, 2010, and reassigned to this Court on that same date;
- 12 3. *United States of America v. Gonzales & Gonzales Bonds and Insurance Agency,*
13 *Inc., et al.*, Case No. C 10-02417 MHP, filed on August 28, 2009 in Indiana, transferred to the
14 Northern District of California on May 27, 2010, ordered related to Case No. C 09-04029 MHP
15 on June 21, 2010, and reassigned to this Court on that same date.

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17 The parties previously filed a Joint Case Management Statement in Case No. C 09-04029
18 MHP, and the Court conducted a case management conference on January 11, 2010.

19 When Case No. C 10-00182 MHP was reassigned to this Court in April 2010, the Court's
20 Deputy Clerk set a case management conference. The parties filed a stipulation requesting a
21 suspension of the case management conference and filing of a case management statement. The
22 Court subsequently issued an order granting the request. *See* Case No. C 10-00182 MHP, dkt.
23 #34.

24 On July 1, 2010, the Court's Deputy Clerk set a case management conference in Case No.
25 C 10-02417 MHP for July 19, 2010, at 4:00 p.m., with a joint case management statement due
26 one week prior to the conference. *See* 3:10-cv-02417-MHP, dkt. #34.

27 On July 1, 2010, the Court's Deputy Clerk also set a case management conference in
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1 Case No. C 10-00182 MHP for July 19, 2010, at 4:00 p.m., with a joint case management
2 statement due one week prior to the conference. *See* 3:10-cv-00182-MHP, dkt. #39.

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4 At this time, drafting joint case management statements and participating in case
5 management conferences in related cases C 10-00182 MHP and C 10-02417 MHP would be an
6 inefficient use of the Court's and the parties' time and resources for the following reasons:

7 1. Currently pending before this Court in Case No. C 09-04029 MHP is (1)
8 G&G/ASC's Motion for a Judicial Determination Regarding the Nature of the Claims at Issue, the
9 Appropriate Standard of Review, and the Scope of Allowable Discovery, and (2) the United
10 States' Motion to Dismiss G&G/ASC's Counterclaim ("Pending Motions in 09-04029"). The
11 hearing took place on April 12, 2010. The parties filed supplemental briefing and the matter was
12 taken under submission.

13 2. Gonzales & Gonzales Bonds and Insurance Agency, Inc. and American Surety
14 Company, Inc. ("G&G/ASC") filed its answers in Case No. C 09-04029 MHP and Case No. C
15 10-00182, but has not yet filed its answer in C 10-02417 MHP. G&G/ASC expects to do so on or
16 before July 16, 2010.

17 3. The parties are in discussion regarding a possible consolidation of all three cases.

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19 There have been no prior modifications regarding the case management conference orders.
20 The requested modifications would have no effect on the schedule for the cases.

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22 Therefore, the parties stipulate that subject to this Court's approval of the stipulation, that
23 the case management conferences scheduled for July 19, 2010, and the filing of case management
24 statements (3:10-cv-02417-MHP, dkt. #34 and 3:10-cv-00182-MHP, dkt. #39) be suspended until
25 after the Court's ruling on the Pending Motions in 09-04029 and such time as deemed proper by
26 the Court based on the facts set forth above.

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IT IS SO STIPULATED.

Dated: July 8, 2010

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