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15 UNITED STATES OF AMERICA

17 IN THE UNITED STATES DISTRICT COURT
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 NIDIA A. GONZALEZ,
 21 Plaintiff,
 22 v.
 23 UNITED STATES OF AMERICA,
 24 Defendant.

Case No. C-10-1387 CRB
STIPULATION OF SETTLEMENT
AND ORDER OF DISMISSAL

1 WHEREAS, Plaintiff Nidia Gonzalez filed a complaint on April 5, 2010 alleging wrongful
2 levy.

3 WHEREAS, the parties are interested in resolving the issues alleged in the complaint in this
4 action, and have negotiated in good faith for that purpose; and

5 WHEREAS, the parties in the above-captioned action wish to discontinue the litigation;

6 IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their
7 respective counsel as follows:

8 1. The United States agrees the levy imposed by the Internal Revenue Service on
9 Plaintiff Nidia Gonzalez's wages will be limited to a maximum of \$400.00 per month.

10 2. The parties hereby agree that the above-captioned action is dismissed and
11 discontinued with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

12 3. Each party shall bear its own costs and attorneys' fees.

13 4. Nothing in this Stipulation of Settlement shall be construed as an admission or
14 concession of liability whatsoever by either party regarding any of the allegations made in the
15 Complaint.

16 5. This Stipulation of Settlement and any Order entered thereon shall have no
17 precedential value or effect whatsoever and shall not be admissible in any other action or proceeding
18 as evidence or for any other purpose except in an action or proceeding to enforce this Stipulation of
19 Settlement or in a proceeding in which Plaintiff Nidia Gonzalez seeks contribution from parties other
20 than the United States for the amounts collected from her via levy by the Internal Revenue Service.

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6. This Stipulation of Settlement embodies the entire agreement of the parties in this matter.

Dated: March 17, 2011

BAKER & MCKENZIE LLP

By: /s/ Scott H. Frewing
Scott H. Frewing
Attorneys for Plaintiff
NIDIA A. GONZALEZ

Dated: March 17, 2011

MELINDA HAAG
United States Attorney

By: /s/ Blake D. Stamm
Blake D. Stamm
Assistant United States Attorney
Tax Division

Pursuant to the Settlement Stipulation of the parties, the above-captioned action shall be dismissed, with prejudice.

IT IS SO ORDERED.

Dated: March 18, 2011

CHARLES R. BREYER
UNITED STATES DISTRICT COURT

