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9	UNITED STATES DISTRICT COURT			
10	NORTHERN DISTRICT OF CALIFORNIA			
11	SAN FRANCISCO DIVISION			
12	STEVEN A. GRAY,	Case No. CV 11-0680 SC		
13	Plaintiff,	STIPULATION FOR DISMISSAL AND (PROPOSED) ORDER		
14	v.)		
15	UNITED STATES OF AMERICA,			
16	Defendant.			
17))		
18	UNITED STATES OF AMERICA,))		
19	Counter-claimant,))		
20	v.))		
21	MANUEL MARTINEZ and STEVEN A. GRAY,))		
22	Counter-defendants.			
23				
24	IT IS HEREBY STIPULATED AND AGREED AND RESPECTFULLY REQUESTED			
25	by and between the Plaintiff, Steven A. Gray, and Defendant, United States of America, as			
26	reflected by the signatures of their respective counsel as set forth below:			
27	1. That Plaintiff, Steven A. Gray and the United States have entered into a settlement on			
28	March 23, 2012.			
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1	2. The settlement is between Plaintiff, Steven A. Gray and the United States of			
2	America, and does not constitute a settlement of the federal tax liability of Manuel Martinez,			
3	Counter-defendant, which was reduced to judgment. See Docket Entry No. 22, entered			
4	September 13, 2011.			
5	2.	2. That the parties request a period of thirty days to consummate all settlement terms.		
6	3.	3. That this action, including the counterclaim filed by the United States, be dismissed		
7	with prejudice, provided however, that if either party notifies this Court on or before April 23,			
8	2012, that the settlement has not been consummated, then this order shall stand vacated and this			
9	case shall forthwith be restored to the calender and a case management conference scheduled.			
10	4.	That the Court retain jurisdiction ov	er this matter for the purpose of enforcing the	
11	terms of the settlement, including entry of judgment, if necessary. See Kokonen v. Guardian			
12	<u>Life Ins. of America</u> , 511 U.S. 375 (1994).			
13	5. The parties agree to bear their respective costs, including any possible attorneys' fee			
14	or other expenses of this litigation.			
15	IT IS SO STIPULATED:			
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17			MELINDA HAAG	
18	Dated: <u>3/23/12</u> :		United States Attorney	
19			CYNTHIA STIER Assistant U.S. Attorney	
20			Attorneys for the United States of America Tax Division	
21			Tax Division	
22	Dated: <u>3/2</u>	<u>23/12</u> :	/s/ ANDREA D. McGARY	
23			Counsel for Plaintiff, Steven A. Gray	
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28		CV 11-0680-SC smissal and [proposed]	2	

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Order

ORDER

Upon the stipulation of Plaintiff, Steven A. Gray, and Defendant, United States of America, and pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, it is HEREBY ORDERED, ADJUDGED and DECREED that this action is hereby dismissed with prejudice, provided however, that if either party notifies this Court on or before April 23, 2012, that the settlement has not been consummated, then this order shall stand vacated and this case shall forthwith be restored to the calender and a case management conference scheduled.

IT IS FURTHER ORDERED that this Court retains jurisdiction over this matter for the purpose of enforcing the terms of the settlement, including entry of judgment, if necessary. See Kokonen v. Guardian Life Ins. of America, 511 U.S. 375 (1994).

ORDERED this $_$ day of $_$ March 2012, at San Francisco, California.

IT IS SO ORDERED

Judge Samuel Conti

Gray v. US Case Nos. CV 11-0680-SC Stip. Of Dismissal and [proposed]