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**COUNSEL FOR THE UNITED STATES
OF AMERICA, PLAINTIFF**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

The above entitled parties submit their Joint Case Management Statement, with # 20 as the first matter, as follows.

20. The parties conferred by telephone on or about December 7, 2011.

22 Plaintiff filed its CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES
23 on November 30, 2011; defendant filed his CONSENT TO MAGISTRATE JUDGE
24 FOR ALL PURPOSES concurrently herewith.

25 On November 25, 2011, plaintiff's counsel submitted defendant's LOAN
26 DISCHARGE APPLICATION: UNPAID REFUND to the US Department of Education.
27 Because the evaluation of such applications can take six weeks or so, and because if
28 the application is approved, the herein complaint can be dismissed, the parties request

1 that the court allow approximately six weeks for the parties to submit an updated CMC
2 statement.

3 1. Jurisdiction and Service Plaintiff is the United States of America; 28

4 U.S.C. § 1345. All parties have been served; there are no counterclaims.

5 2. Facts Plaintiff alleges that defendant received a disbursal on a
6 student loan promissory note in the amount of \$1,313.00 on May 27, 1988; a balance
7 of \$2,445.31 remains on the obligation.

8 Plaintiff further alleges that defendant received a disbursal on a second student
9 loan promissory note in the amount of \$1,740.00 on May 27, 1988; a balance of
10 \$4,052.84 remains on the obligation.

11 Defendant denies that he is obligated in any manner whatsoever for the 2
12 alleged student loans, and he has submitted a LOAN DISCHARGE APPLICATION:
13 UNPAID REFUND to the US Department of Education for evaluation.

14 3. Legal Issues None; contract law applies.

15 4. Motions No motions are pending; a dispositive motion is anticipated
16 in the event the parties cannot resolve the case.

17 5. Amendment of Pleadings None anticipated.

18 6. Evidence Preservation None in issue.

19 7. Disclosures None required.

20 8. Discovery None anticipated.

21 9. Class Actions Not applicable.

22 10. Related Cases None.

23 11. Relief Plaintiff seeks a money judgment based upon 2 student loan
24 promissory notes guaranteed by plaintiff.

25 12. Settlement and ADR No ADR is contemplated by either party.

26 13. Consent to Magistrate Judge For All Purposes Each party has filed its
27 consent.

28 14. Other References None Applicable.

1 17. Scheduling In the event the case does not settle, a dispositive motion
2 should be set.

3 18. Trial In the event a trial is necessary, ½ day is anticipated.

4 19. Disclosure of Non-party Interested Entities or Persons None.

5 **SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL**

6 Pursuant to Civil L.R. 16-6, each of the undersigned certifies that he or she
7 has read the brochure entitled "Dispute Resolution Procedures in the Northern
8 District of California," discussed the available dispute resolution options
9 provided by the court and private entities and has considered whether this case
10 might benefit from any of the available dispute resolution options.

11

12 December 9, 2011

s/s
M. COSENTINO, Counsel for the U.S.

13
14 Thomas F. Perry, pro se Defendant
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16 Parties to file joint status report by February 9, 2012. The order to show
17 cause is VACATED.

18 Dated: December 30, 2011

