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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 ABF FREIGHT SYSTEMS, INC.,)
5 Plaintiff,)
6 v.)
7 UNITED STATES OF AMERICA, WEST)
8 BAY BUILDERS,)
9 Defendants.)

No. C-10-5188 SI

**STIPULATION AND ~~PROPOSED~~ ORDER
TO RELATE AND CONSOLIDATE CASES**

10 The parties, by and through their counsel of record, hereby stipulate and agree as follows:

11 1. Plaintiff ABF Freight Systems, Inc. filed the above-captioned Federal Tort Claims Act
12 (“FTCA”) action on November 16, 2010, against Defendants United States of America and West
13 Bay Builders, Inc. Plaintiff claims it paid workers’ compensation benefits to and on behalf of its
14 employee, Thomas Mills, for injuries allegedly arising from a slip and fall accident that occurred
15 on or about December 12, 2008. At the request of the parties to this action, the Court stayed this
16 matter until October 28, 2011 to determine whether Thomas Mills would file suit in this district.

17 2. On September 20, 2011, Plaintiff Thomas Mills, filed an FTCA complaint in this district
18 captioned, *Thomas Mills v. United States of America*, Case No. CV-11-4663 (JCS). The complaint
19 seeks damages from Defendant United States of America for injuries allegedly arising from the
20 same slip and fall accident alleged in the instant action which occurred on or about December 12,
21 2008.

22 3. The parties believe that the two actions involve substantially the same parties, property and
23 events, so the actions should be “related cases” within the meaning of Local Rule 3-12.

24 4. The parties believe that relating and consolidating the two actions would serve the interests
25 of judicial economy and avoid the potential for conflicting rulings.
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1 5. For the above stated reasons, the parties request that the Court relate and consolidate the two
2 actions.

3 **SO STIPULATED.**

4
5 DATED: December 5, 2011

MELINDA L. HAAG
United States Attorney

6
7 /s/
8 JUAN D. WALKER
Assistant United States Attorney
Attorneys for Federal Defendant

9 DATED: December 9, 2011

LEWIS BRISBOIS BISGAARD & Mills LLP

10
11 /s/
12 MICHAEL S. ROMEO
Attorneys for Defendant WEST BAY

13
14 DATED: December 5, 2011

LAW OFFICE OF CLARK W. PATTEN

15
16 /s/
17 CLARK W. PATTEN
Attorneys for Plaintiff ABF

18
19 DATED: December 8, 2011

ALBERT G. STOLL JR. | A Law Corporation

20
21 /s/
22 CHRISTIAN J. EINFELDT
Attorneys for Plaintiff Thomas Mills

23 ~~PROPOSED~~ ORDER

24 Pursuant to stipulation, IT IS SO ORDERED.

25
26 Dated: 12/12/2011

27 SUSAN ILLSTON
United States Attorney

