

1 MELINDA HAAG (CSBN 132612)
 United States Attorney
 2 ALEX G. TSE (CSBN 152348)
 Chief, Civil Division
 3 MICHAEL T. PYLE (CSBN 172954)
 Assistant United States Attorney
 4 150 Almaden Blvd., Suite 900
 San Jose, California 95113
 5 Telephone: (408) 535-5087
 FAX: (408) 535-5081
 6 michael.t.pyle@usdoj.gov

7 Attorneys for Federal Defendants

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

| | | | |
|----|----------------------------------|---|--|
| 11 | CAPTAIN JOHN J. COTA, |) | No. 13-00576 JSW |
| 12 | |) | |
| 13 | Plaintiff, |) | STIPULATION AND PROPOSED |
| 14 | v. |) | ORDER RESCHEDULING CASE |
| 15 | UNITED STATES OF AMERICA ET AL., |) | MANAGEMENT CONFERENCE |
| 16 | Defendants. |) | Hon. Jeffrey S. White |

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20 IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval
21 of the Court, as follows.

22 On May 2, 2013, the Court granted a stipulation and continued the initial Case Management
 23 Conference to 1:30 p.m on June 28, 2013, the same date as the hearing on the Federal
 24 Defendants' motion to dismiss is scheduled to be heard at 9:00 a.m. Counsel for the Federal
 25 Defendants is counsel of record for the United States of America, acting through the Farm
 26 Service Agency, USDA, the only secured creditor in a pending Chapter 11 bankruptcy
 27 proceeding (07-51463 ASW). The dispute between the USDA and the debtors was resolved on
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1 Friday June 14, 2013, and a settlement agreement was signed. The bankruptcy court had
 2 continued a hearing for approval of the debtors' disclosure statement multiple times, as the
 3 parties had advised the court of their efforts to resolve their differences. The settlement reached
 4 on Friday means that a hearing will be held in the bankruptcy court on June 28, 2013 at 2:15 p.m.
 5 in the San Jose courthouse (this hearing would have been continued further if the parties had not
 6 resolved the matter on June 14 if they were still negotiating). Thus, counsel for the Federal
 7 Defendants cannot attend a CMC in San Francisco at 1:30 p.m. on June 28, 2013 and make it to a
 8 hearing in San Jose at 2:15 p.m. on the same day. Furthermore, the bankruptcy court holds
 9 hearings of this nature only once per month and thus it is not possible to move the bankruptcy
 10 hearing.

11 Plaintiff has no objection to the change in the time of the CMC requested by the Federal
 12 Defendants. Thus, the parties request that the Court hold the CMC during its 9 a.m. calendar,
 13 following the hearing on the pending motion to dismiss. Alternatively, the Court could vacate
 14 the CMC and schedule a date for the CMC in its order on the motion to dismiss.

15 Dated: June 17, 2013

Respectfully submitted,

MELINDA HAAG
 United States Attorney

/s/ Michael T. Pyle

By:

Michael T. Pyle
 Assistant U.S. Attorney
 Attorneys for Federal Defendants

SINUNU BRUNI LLP

/s/ John F. Meadows

/s/ Leopoldo J. Chanco

By:

JOHN F. MEADOWS
 LEOPOLDO J. CHANCO
 Attorneys for Plaintiff
 CAPTAIN JOHN J. COTA


27 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

28 The initial Case Management Conference ~~will be held on~~ is VACATED and will be reset by the Court, if _____, 2013 at

necessary in the order resolving the pending motion to dismiss.

~~_____ a.m./p.m. The parties shall submit a joint Case Management Conference Statement at
least five court days in advance of the conference.~~

DATED: June 19, 2013



HON. JEFFREY S. WHITE
United States District Judge

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