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7 Attorneys for Defendant Martin Gruenberg,  
 Chairman, Federal Deposit Insurance Corporation

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

12 ROBERT MICHAEL MILLER, )  
 )  
 13 Plaintiff, )  
 )  
 14 v. )  
 )  
 15 SHAYNA OLESIUK, et al., )  
 )  
 16 Defendants. )  
 )

No. C 13-1856 EDL  
 MODIFIED  
 STIPULATION AND [PROPOSED]  
 ORDER TO VACATE OR CONTINUE  
 CMC PENDING ADJUDICATION OF  
 DEFENDANT’S MOTION TO DISMISS

19 STIPULATION

20 Defendant Martin Gruenberg, Chairman, Federal Deposit Insurance Corporation  
 21 (“defendant”) and plaintiff Robert Michael Miller (“plaintiff”) hereby jointly request the Court  
 22 to vacate the initial case management conference set for July 23, 2013, and to re-set that  
 23 conference, as may be necessary and appropriate, after the Court rules on defendant’s pending  
 24 motion to dismiss. The parties request this administrative relief for two reasons:

25 First, defendant has filed a motion to dismiss the entire action with prejudice.  
 26 Defendant’s motion to dismiss is set for hearing on August 27, 2013. Because the Court’s ruling  
 27 on defendant’s pending motion to dismiss will inform and impact case management issues, the  
 28 parties believe it will be more efficient to hold the initial case management conference once


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1 defendant's motion to dismiss has been resolved.

2 Second, plaintiff has not yet served the named defendants.

3  
4 DATED: July 2, 2013

MELINDA HAAG  
United States Attorney

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7 James A. Scharf  
Assistant United States Attorney  
Attorneys for Defendant Gruenberg

8  
9 DATED: July 2, 2013

10   
11 Robert Michael Miller  
Plaintiff

12 MODIFIED

13 ~~PROPOSED~~ ORDER

14 Good cause appearing, and pursuant to the stipulation of the parties, the initial case

continued to September 17, 2013, at 3:00 p.m.

15 management conference set for July 23, 2013 is ~~vacated, with the conference to be re-set by the~~  
16 A joint Case Management Conference statement shall be filed no later than  
17 ~~Court, as may be necessary and appropriate, after the Court rules on defendant's pending motion~~  
18 September 10, 2013.  
19 ~~to dismiss.~~

20 SO ORDERED

21 DATED: July 15, 2013

