Mathews Funk & Associates A Law Corp. 2 24012 Calle de la Plata Suite 320 Laguna Hills, California 92653 3 (949) 586-2235 Fax (949) 586-1806 4 STANTON T. MATHEWS, Bar No. 99058 RONALD B. FUNK, Bar No. 185896 5 MARCIA E. DEPEW, Bar No. 239231 6 Attorneys for Plaintiff, Cruz Hernandez, A Minor 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 OAKLAND DIVISION 11 12 CRUZ HERNANDEZ, a minor, by and CASE NO. 06-3350-SBA through his Guardian ad Litem, Alicia 13 Telles-Hernandez, 14 Plaintiff, STIPULATION AND ORDER REGARDING MINORS COMPROMISE 15 **HEARING BEFORE MAGISTRATE** VS. JUDGE ELIZABETH D. LAPORTE 16 UNITED STATES OF AMERICA, 17 Defendant. 18 **Trial Date: May 21, 2009** 19 20 21 SUBJECT TO THE APPROVAL AND ORDER OF THE COURT, THE PARTIES. 22 BY AND THROUGH THEIR COUNSEL OF RECORD, STIPULATE AND REQUEST AS 23 FOLLOWS: 24 25 1. Magistrate Judge Elizabeth D. Laporte be allowed to preside over the 26 Minors Compromise Hearing on the above entitled matter. Judge Laporte 27 has spent 6.5 hours personally conducting two settlement conferences 28 STIPULATION AND PROPOSED ORDER REGARDING MINORS COMPROMISE HEARING BEFORE MAGISTRATE JUDGE ELIZABETH D. LAPORTE

between the parties as well as reviewing responsive letter updates to the court by both parties between the two conferences. Given the time and knowledge investment of this settlement by Judge Laporte not only is judicial economy best served but so is the best interest of the parties.

- 2. Stay the hearing on the Motion For New Trial or in the Alternative, to Alter or Amend Findings and Conclusions by United States of America [Docket #264] presently set for February 23, 2010, [Docket #269] as well as court ordered briefing dates for 60 days.
- 3. The parties attended settlement conferences with Magistrate Laporte on November 13, 2009 and December 18, 2009. On December 18, 2009, plaintiff and her counsel signed a settlement agreement. The signed settlement agreement requires the review and approval of the Attorney General's designees which is ongoing at this time. Trial counsel for the parties are working diligently on completing the steps necessary before the agreement is reviewed and a decision made by the Attorney General's designees.

SO STIPULATED.

DATED: January 22, 2010 MATHEWS FUNK & ASSOCIATES, A Law Corp.

By: /s/
STANTON T. MATHEWS
Attorneys for Plaintiff,
CRUZ HERNANDEZ. A Minor

1		
2	DATED: January 22, 2010	JOSEPH P. RUSSONIELLO United States Attorney
3		Officed States Attorney
5		By:
6		JONATHAN U. LEE Attorneys for Defendant,
7		UNITED STATES OF AMERICA
8		
9	PURSUANT TO STIPULATION, I	T IS SO ORDERED.
10	·	
11	DATED: 1/25/10	Landre B. Ormskag
12	DATED. 1/25/10	SAUNDRA B. ARMSTRONG
13		UNITED STATES DISTRICT JUDGE
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
25		
26		
27		
28		