

1 MELINDA HAAG (CA Bar No. 132612)
 United States Attorney
 2 JOANN M. SWANSON, (CA Bar No. 88143)
 Chief, Civil Division
 3 SARA WINSLOW (DC Bar No. 457643)
 Assistant United States Attorney
 4 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 5 Telephone: (415) 436-6925
 Facsimile: (415) 436-6748
 6 sara.winslow@usdoj.gov
 Attorneys for the United States of America

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND DIVISION**

11 NILEX CORPORATION, on behalf of)
 itself and the UNITED STATES,)
 12)
 Plaintiff,)
 13)
 v.)
 14)
 DGI-MENARD INC.; SETH)
 15 PEARLMAN; ROGER BLOOMFIELD;)
 and RICHARD ALLEN HAMMERS,)
 16)
 Defendants.)

No. C 09-3723-CW

**STIPULATION OF UNITED STATES AND
 RELATOR TO CONTINUE CASE
 MANAGEMENT CONFERENCE
 ORDER**

17
 18 The United States of America and Nilex Corporation, as Relator, through their undersigned
 19 counsel of record, hereby stipulate and request that the Court continue the case management
 20 conference in the above-captioned case by two weeks, until November 30, 2010.

21 1. This case was filed pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C.
 22 §§3729-33. Under those provisions, the Relator filed this case under seal and served the United
 23 States but not the Defendants. On October 18, 2010, the United States filed its notice of election to
 24 intervene in the case. Relator and the United States are the only parties to have appeared.

25 2. The parties have settled this case, and the settlement agreement was fully executed on or
 26 about November 3, 2010. Pursuant to the settlement agreement, Defendants' payment will be due
 27 on or about November 15, 2010. Once payment receipt is confirmed, the United States and Relator
 28 will dismiss the action with prejudice.

STIPULATION TO CONTINUE CMC
 C-09-3723-CW

1 3. A case management conference is currently scheduled for November 16, 2010. Due to
2 the timing of the settlement payment, it is likely that the dismissal stipulation will not be filed until
3 shortly after November 16. Accordingly, we request that the case management conference be
4 continued two weeks, until November 30, 2010, to ensure that the United States and Relator have
5 time to confirm receipt of Defendants' settlement payment, and then file a stipulation to dismiss the
6 case and vacate the case management conference at least one week before the scheduled date.

7 IT IS SO STIPULATED.

8 Date: November 9, 2010

Respectfully submitted,

9
10 MELINDA HAAG
United States Attorney

11 By: /s/ signature on file
12 SARA WINSLOW
13 Assistant United States Attorney
Attorneys for the United States of America

14 Date: November 8, 2010

ROGERS JOSEPH O'DONNELL

15
16 By: /s/ signature on file
17 AARON P. SIMBERMAN
Attorneys for Nllex Corporation

18 **ORDER**

19 Pursuant to stipulation IT IS SO ORDERED. The case management conference is continued
20 to November 30, 2010 at 2:00 p.m.
21

22 Dated: 11/12/2010


23 HONORABLE CLAUDIA WILKEN
24 United States District Judge
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27
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