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 9 IN THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

11 MILLARD W. TONG

12 Appellant,

13 v.

14 THE CALIFORNIA DEPARTMENT OF  
 15 INDUSTRIAL RELATIONS,

16 Appellee.

CASE NO. 4:17-cv-01201-HSG

Appeal from Bankruptcy Case No. 15-30275

CHAPTER 11

Judge Hon. Haywood S. Gilliam, Jr.

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 19 **STIPULATION FOR DELAY OF ISSUANCE OF ANY RULING, OPINION OR ORDER**  
 20 **PENDING APPROVAL OF SETTLEMENT MOTION AND ORDER THEREON**

21 This Stipulation (or "Agreement") is made between and among Millard W. Tong,  
 22 individually and as Debtor-in-Possession, herein "Debtor," and California Department of Industrial  
 23 Relations, Edward Kunnes and Evan Adams, herein "DIR," being the parties to the above referenced  
 appeal arising from a motion for contempt in the bankruptcy court proceedings.

24 As the results of a judicially supervised settlement conference, the Debtor and DIR have  
 25 entered into agreements memorialized in stipulation entitled "Stipulation for Issuance of Order for  
 26 Distribution of Proceeds from the Sale of 1620 Mason Street, San Francisco, CA (After BDRP  
 27 Mediation)" that, among other matters, settled the issues pending before this Court. However, the  
 28 settlement of these issues remain subject to the bankruptcy court authorizing Debtor and DIR's

1 agreements reached at the mediation. Debtor and DIR anticipate that the bankruptcy court will hear  
2 the request for approval of the settlement on October 27, 2017. Accordingly, Debtor and DIR  
3 stipulate as follows:

4 Debtor and DIR jointly request that the United States District Court, sitting as the court of  
5 appeal, regarding Debtor's motion for contempt, delay the issuance of any ruling, opinion or order  
6 until the parties, hereto, are able to obtain from the bankruptcy court an order regarding their request  
7 for authorization of the settlement described in the Stipulation for Issuance of Order for Distribution  
8 of Proceeds from the Sale of 1620 Mason Street, San Francisco, CA (After BDRP Mediation).

9 Dated: October 3, 2017

/s/ Christopher W. Frick

Christopher W. Frick  
Counsel for Appellees,  
CA Dept. of Industrial Relations, Edward Kunnes  
and Evan Adams

12  
13 Dated: October 3, 2017

/s/ Lawrence A. Jacobson

Lawrence A. Jacobson  
Counsel for Appellant Millard Tong

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17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 Dated: 10/4/2017

  
Hon. Haywood S. Gilliam, Jr.