

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
 United States Attorney  
 2 JOANN M. SWANSON (CSBN 88143)  
 Chief, Civil Division  
 3 CLAIRE T. CORMIER (CSBN 154364)  
 JAMES A. SCHARF (CSBN 152171)  
 4 Assistant United States Attorneys

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5 150 Almaden Boulevard, Suite 900  
 San Jose, California 95113  
 6 Telephone: (408) 535-5082  
 Facsimile: (408) 535-5081  
 7 claire.cormier@usdoj.gov

8 Attorneys for Defendant United States of America

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION  
 12

13 GARY NIVA and ALINKA NIVA, as	)	No. C 03-0908 RS
Administrators of the Estate of ERIC	)	
14 AUSTIN NIVA, deceased,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER VACATING TRIAL AND
15 Plaintiffs,	)	PRETRIAL SCHEDULE
	)	
16 v.	)	Trial Date: November 23, 2009
	)	
17 UNITED STATES OF AMERICA,	)	
	)	
18 Defendant.	)	

19  
20 This case is currently scheduled for trial on November 23, 2009.

21 The parties participated in a mediation on November 3, 2009 and have reached a contingent  
 22 settlement. The settlement must be approved by the Assistant Attorney General before it can be  
 23 submitted to the Court. Accordingly, the parties hereby STIPULATE AND REQUEST that the  
 24 current trial and pretrial schedule, including the trial date of November 23, 2009, be vacated and a  
 25 status conference be set in approximately 60 days.

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STIPULATION AND ~~PROPOSED~~ ORDER VACATING TRIAL DATE  
 C 03-0908 RS

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Respectfully submitted,

DATED: November 5, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/ Claire T. Cormier<sup>1</sup>

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CLAIRE T. CORMIER  
Assistant United States Attorney

DATED: November 4, 2009

THE BOCCARDO LAW FIRM LLP

/s/ John C. Stein

\_\_\_\_\_  
JOHN C. STEIN  
Attorney for Plaintiff

~~PROPOSED~~ ORDER

Upon stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that the pretrial schedule and the trial date for this action are VACATED. Unless a stipulation of dismissal is filed, Counsel shall appear for a status conference on January 13, 2010 at 2:30 p.m.

DATED: November 9, 2009

  
\_\_\_\_\_  
RICHARD SEEBORG  
United States Magistrate Judge

<sup>1</sup> I, Claire T. Cormier, hereby attest that I have on file all holographic signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.