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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re: Edward H. Okun Internal Revenue Service Tax Deferred Exchange Litigation  
NO. C 07-02795 JW  
NO. C 09-02079 JW

Anita Hunter, et al.,  
Plaintiffs,  
v.  
Citibank, N.A., et al.,  
Defendants.

**ORDER VACATING CASE MANAGEMENT CONFERENCE; SETTING HEARING ON MOTION FOR PRELIMINARY APPROVAL OF WAVE II SETTLEMENT AGREEMENT**

This case is scheduled for a Case Management Conference on February 8, 2010. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (hereafter, "Joint Statement," Docket Item No. 261.) In their Joint Statement, the parties represent that Defendants Lockton, Todd Pajonas, Bank of America, N.A., and Countrywide Bank, FSB, have agreed, in principle, to settle as part of the Wave II Settlement Agreement. (Id. at 5.) In light of this representation, the Court finds that a Case Management Conference is unnecessary at this time.

Accordingly, the Court VACATES the Case Management Conference. On **May 10, 2010 at 9 a.m.**, the Court will conduct a hearing on the parties' anticipated Motion for Preliminary Approval

1 of the Wave II Settlement. The parties shall notice their motion in accordance with the Civil Local  
2 Rules of the Court.

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4 Dated: February 3, 2010

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Allen W. Burton aburton@omm.com
- 3 Allison Lane Cooper acooper@kksrr.com
- 4 Anthony Robert Zelle tzelle@zelmcd.com
- 5 Bradley J. Lingo blingo@gibsondunn.com
- 6 Brett Alan Broge bbroge@lerchsturmer.com
- 7 Brian P. McDonough bmcdonough@zelmcd.com
- 8 Bryan Thomas West btw@tewlaw.com
- 9 Carol Lynn Thompson cthompson@sidley.com
- 10 Cindy Hamilton hamiltonc@gtlaw.com
- 11 Eileen Regina Ridley eridley@foley.com
- 12 Ethan D. Dettmer edettmer@gibsondunn.com
- 13 F. Joseph Warin fwarin@gibsondunn.com
- 14 James Carnegie Krieg jkrieg@kksrr.com
- 15 Jeffrey Noah Labovitch jlabovitch@rmwllp.com
- 16 John Kenneth Van De Weert jvandeweert@sidley.com
- 17 Kevin Michael Fee kfee@sidley.com
- 18 Lawrence A Kellogg lak@tewlaw.com
- 19 Madeline Anne Zamoyski mzamoyski@omm.com
- 20 Mark Bruce Blocker mblocker@sidley.com
- 21 Michael Drury mdrury@rmwllp.com
- 22 Michael P. Denver mpdenver@hbsb.com
- 23 Patrick T. Wong pwong@foley.com
- 24 R. Van Swearingen vswearingen@sidley.com
- 25 Robert A. Curtis rcurtis@foleybezek.com
- 26 Robert Louis Brace rlbrace@hbsb.com
- 27 Ryan D. Fischbach rfischbach@bakerlaw.com
- 28 Stephen F. Gordon sgordon@gordonfirm.com
- Thomas G. Foley tfoley@foleybezek.com
- Thomas Reynolds Heisler theisler@sidley.com
- Thomas W. Evans tevans@zelmcd.com
- Timothy J. Halloran thalloran@mpbf.com
- Todd Barnett Gordon tgordon@gordonfirm.com
- Wayne Allen Schrader wschrader@gibsondunn.com
- William J. Goines goinesw@gtlaw.com

21 **Dated: February 3, 2010**

**Richard W. Wieking, Clerk**

22  
23 **By: /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**