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 11 *Local Attorney for Defendant*

12 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN JOSE DIVISION**

|                              |   |                                  |
|------------------------------|---|----------------------------------|
| 15 UNITED STATES OF AMERICA, | ) |                                  |
|                              | ) |                                  |
| 16 Plaintiff,                | ) | <b>Case No. 5:07-cv-04128-JF</b> |
|                              | ) |                                  |
| 17 v.                        | ) |                                  |
|                              | ) |                                  |
| 18 THOMAS E. SEIDEL,         | ) | <b>Honorable Jeremy Fogel</b>    |
|                              | ) |                                  |
| 19 Defendant.                | ) | <b>(PROPOSED) ORDER</b>          |
| 20 _____                     | ) |                                  |

21 **ORDER GRANTING**

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22 **STIPULATION TO DISMISS COUNTERCLAIM WITHOUT PREJUDICE**

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23 Robert Alan Jones and Randy Sue Pollock, counsel for Defendant Thomas Everett Seidel,  
 24 and David Denier, counsel for the United States of America, hereby stipulate to dismiss Mr. Seidel's  
 25 Counterclaim against the United States without prejudice in order that this Honorable Court might  
 26 enter its final order in these proceedings consistent with the verdict of the jury.  
 27

1 It is understood that Mr. Seidel will be free to pursue his proper administrative, then judicial  
2 remedies when the Decision of this Court becomes final.

3 **WHEREFORE**, counsel Robert Alan Jones, and David Denier, counsel for the United States  
4 of America respectfully request this Honorable Court dismiss the Defendant's Counterclaim  
5 without prejudice.

6 Dated this 16<sup>th</sup> of January, 2009.

7  
8 */s/ Robert Alan Jones*

9 Robert Alan Jones, *pro hac vice*  
10 1061 E. Flamingo Rd., Suite #7  
11 Las Vegas, Nevada, 89119  
12 702-791-0742  
13 *Counsel for Defendant*

14 */s/ Randy Sue Pollock*

15 Randy Sue Pollock, Attorney at Law  
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19 *Local Attorney for Defendant*

20 */s/ David L. Denier*

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26 415-436-6888  
27 *Attorney for the United States of America*

28 Dated: 1/20/09

IT IS SO ORDERED.

22 

23  
24  
25 Jeremy Fogel  
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 This is to certify that on January 16, 2009, I caused to be served the foregoing Stipulation  
3 to Dismiss Counterclaim Without Prejudice by CM/ECF electronic filing in the United States District  
4 Court for the Northern District of California, San Jose Division, interested parties to be electronically  
5 served shortly thereafter.

6  
7 */s/ Elizabeth Holt*

8 Office of Robert Alan Jones  
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