

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ANNE PEARSE-HOCKER,)	
)	
Plaintiff,)	
)	No. 10-269 C
v.)	Judge Edward J. Damich
)	
THE UNITED STATES,)	
)	
Defendant.)	
)	

JOINT MOTION FOR CONTINUATION OF A STAY OF PROCEEDINGS

In accordance with the Court’s February 17, 2011, Order and paragraph 4(b)(ii) of the Court’s Special Procedures Order, plaintiff Anne Pearse-Hocker and defendant, the United States (the government), hereby jointly move for the continuation of a stay of proceedings while counsel for the parties work to complete the settlement documents that will lead to a complete resolution of this case. At that time, the parties understand that the plaintiff will make a written offer to government counsel, who, in turn, will recommend its approval by the Smithsonian Institution and the Department of Justice. Accordingly, the parties request an additional 45-day stay of all proceedings (including discovery and summary judgment briefing) from today, April 18, 2011, to, and including, June 2, 2011.

Statement in Support of Motion

On February 16, 2011, the parties jointly moved for a 61-day stay of proceedings in this case based on progress made in settlement discussions. After the Court granted this motion, the parties have engaged in further discussions about settlement. By agreement of the parties, the defendant drafted a Settlement Agreement and corresponding Stipulation for Entry of Judgment.

These drafts were provided to plaintiff's counsel on March 14, 2011. In response, on April 15, 2011, plaintiff's counsel provided comments and edits to the draft to defendant's counsel, which are now being considered. As explained in the concurrently filed Joint Status Report, the parties believe that the remaining differences between the parties relate to only a few substantive issues, and accordingly, the present drafts reflect agreement on most major substantive issues.

Given this progress towards completion of the operative settlement documents, the parties have agreed that a continued stay of all proceedings is appropriate in order to avoid the expense and time required to restart proceedings under the Court's schedule. Likewise, the parties believe that the requested stay will provide sufficient time for the parties to complete a settlement agreement in this case.

Respectfully submitted,

THOMPSON HINE LLP

Dated: April 18, 2011

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