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7 Attorneys for Defendant The Boeing Company

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 JIMMY LENDO, as Personal
 11 Representative of the Estate of BENNY
 LENDO, Deceased, *et al.*,

No. C 09-00359 JSW

Hon. Jeffrey S. White

12 Plaintiffs,

13 v.

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING STAY OF
 DEADLINES AND PROCEEDINGS**

14 WORLD STAR AVIATION, LTD.,
 15 WELLS FARGO BANK NORTHWEST,
 N.A.; TRITON AVIATION
 16 INTERNATIONAL, LLC; TRITON
 AVIATION FINANCE; TRITON
 17 AVIATION INVESTMENTS, LLC; THE
 BOEING COMPANY; and HONEYWELL
 18 INTERNATIONAL, INC. and DOES 1 to
 100, inclusive,

19 Defendants.

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 21
 22 Pursuant to Civil Local Rules 6 and 7-12, and Paragraph 3 of the Honorable Jeffrey S.
 23 White’s Civil Standing Order, Defendant The Boeing Company (“Boeing”), Defendant
 24 Honeywell International Inc., Defendant Wells Fargo Bank Northwest, N.A., Defendant Triton
 25 Aviation Investments, LLC, Defendant World Star Aviation Services, Inc. (erroneously named
 26 as World Star Aviation, Ltd.) and Plaintiffs, by and through their respective counsel of record,
 27 HEREBY STIPULATE AS FOLLOWS:
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1 1. WHEREAS Boeing has filed with the Judicial Panel on Multidistrict Litigation
2 (the “Panel”) a Motion to Transfer and Consolidate this case with two other actions also arising
3 from the crash of Adam Air Flight DHI-574 off the coast of the island of Sulawesi, Indonesia
4 (the “Accident”). A true and correct copy of Boeing’s Motion to Transfer and Consolidate was
5 filed with this court as Docket No. 13 in this action.

6 2. WHEREAS the courts in the other two actions arising from the Accident have
7 both stayed further proceedings pending the Panel’s resolution of the Motion to Transfer and
8 Consolidate. True and correct copies of the stay orders in *Sumini, et al. v. The Boeing Co., et al.*,
9 No. 09-CV-549 (N.D. Ill.), and *Wuisan, et al. v. The Boeing Co., et al.*, No. 09-CV-556 (N.D.
10 Ill.) are appended hereto as Exhibits 1 and 2.

11 3. WHEREAS based upon this Court’s orders, the Civil Local Rules, and the Federal
12 Rules of Civil Procedure, certain pretrial deadlines have been set in this case that are inconsistent
13 with the orders staying all proceedings in both the *Sumini* and *Wuisan* actions and thus with the
14 principle purpose of multidistrict consolidation, namely to ensure consolidated and coordinated
15 pretrial proceedings for all actions.

16 4. WHEREAS a stay pending the Panel’s resolution of Boeing’s Motion to Transfer
17 and Consolidate is supported by case law. *See, e.g., Rivers v. Walt Disney Co.*, 980 F. Supp.
18 1358, 1360-61 (C.D. Cal. 1997) (holding that stay was warranted, pending resolution by the
19 Panel of a motion to transfer and consolidate, because such a stay would conserve judicial
20 resources and would not prejudice the parties); *Palmer v. Am. Honda Motor Co.*, No. CV 07-
21 1904-PHX-DGC, 2008 WL 54914, at *1 (D. Ariz. Jan. 3, 2008) (same).

22 5. WHEREAS the parties seek to conserve judicial resources and minimize
23 procedural complexity and will not suffer prejudice from a temporary stay of proceedings and
24 good cause therefore exists to stay all deadlines and proceedings in this case until the Panel
25 resolves Boeing’s Motion to Transfer and Consolidate.

26 6. WHEREAS to the best of the parties’ knowledge, the following Defendants have
27 been served by Plaintiffs: Boeing, Honeywell International Inc., Wells Fargo Bank Northwest,
28

1 N.A., Triton Aviation Investments, LLC, and World Star Aviation Services, Inc. (erroneously
2 named as World Star Aviation, Ltd.).

3 7. WHEREAS Plaintiffs and all served Defendants to the instant action hereby
4 stipulate to a stay of all proceedings and deadlines pending the Panel's decision on Boeing's
5 Motion to Transfer and Consolidate.

6 8. WHEREAS Defendants expressly do not waive, and nothing in this Stipulation
7 shall be construed to constitute a waiver of, any defenses to this action that the Defendants may
8 have, including, but not limited to, defenses for lack of personal jurisdiction, improper venue,
9 forum non conveniens, and release and satisfaction.

10
11 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:

12 All proceedings and deadlines in this matter shall be stayed pending the Panel's resolution of
13 Boeing's pending motion to Transfer and Consolidate. Boeing shall file and service notice of the
14 Panel's order within seven (7) days of entry of such order and, upon such notice, the court will
15 enter an amended scheduling order in this matter.

16
17 DATED: April 7, 2009

STEINBRECHER & ASSOCIATES

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27 Attorneys for Plaintiffs
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1 DATED: April 7, 2009

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8 Attorneys for Defendant
9 The Boeing Company

10 DATED: April 7, 2009

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17 Attorneys for Defendant
18 Wells Fargo Bank Northwest, N.A.,
19 Defendant World Star Aviation Serices, Inc.
20 (erroneously named as World Star Aviation, Ltd.),
21 and Defendant Triton Aviation Investments, LLC

22 DATED: April 7, 2009

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Attorneys for Defendant
Honeywell International Inc.

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PROPOSED ORDER

Pursuant to the foregoing stipulation of the parties, and good cause appearing, all proceedings and deadlines in this matter are stayed pending the Panel's resolution of Boeing's pending motion to Transfer and Consolidate. Boeing shall file and service notice of the Panel's order within seven (7) days of entry of such order and, upon such notice, the court will enter an amended scheduling order in this matter.

IT IS SO ORDERED.

DATED: April 10, 2009



Hon. Jeffrey S. White
U.S. District Judge

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 549	DATE	3/4/2009
CASE TITLE	Sumini, et al. Vs. Boeing Co. , et al.		

DOCKET ENTRY TEXT

Motion hearing held. Counsel advised the Court that a motion has ben filed with the MDL Panel. Defendant Boeing Co.'s motion to stay deadlines and proceedings [23] is granted. The instant action is hereby ordered stayed until further order of the Court. Status hearing reset to 06/30/09. Status hearing set for 03/18/09 is stricken.

Docketing to mail notices.

	Courtroom Deputy Initials:	maw
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**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.2
Eastern Division**

Frans Errain Wuisan, et al.

Plaintiff,

v.

Case No.: 1:09-cv-00556

Honorable Marvin E. Aspen

The Boeing Company, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, March 2, 2009:

MINUTE entry before the Honorable Marvin E. Aspen:Defendaant Boeing Company's Motion to stay [35] all deadlines and proceedings in this action pending a ruling by the Judicial Panel on Multidistrict Litigation on Boeing's moton to transfer is granted. Motion terminated. The status hearing set for 4/30/09 at 10:30 a.m. to stand. The motion hearing set for 3/3/09 is stricken.Judicial staff mailed notice(gl,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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