

1 Clyde & Co US LLP, hereby stipulate as follows.

2 WHEREAS, on April 9, 2015, the Court issued a Pretrial Scheduling Order
3 in this case;

4 WHEREAS, in connection with the Pretrial Scheduling Order, the Court has
5 noted that, in the parties' Joint Status Report, plaintiff has demanded a jury trial but
6 Emirates has contended that plaintiff is not entitled to a jury trial because Emirates
7 is an agency or instrumentality of a foreign state;

8 WHEREAS, the Court issued an Order dated April 9, 2015, requesting
9 briefing as to whether plaintiff is entitled to a jury trial; and

10 WHEREAS, the parties have met and conferred regarding the issue of
11 whether plaintiff is entitled to a jury trial and have agreed as follows.

12 IT IS HEREBY STIPULATED by and between plaintiff and Emirates that:

- 13 1. Emirates is an agency or instrumentality of a foreign state pursuant to
14 28 U.S.C. Section 1603(a);
- 15 2. The trial of this case on all issues should be by the Court sitting
16 without a jury pursuant to 28 U.S.C. Sections 1330(a) and 1441(d);
17 and
- 18 3. Good cause exists for the Court to vacate its Order dated April 9,
19 2015, requiring briefing by the parties on the foregoing issues.

20 IT IS SO STIPULATED.

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22 Dated: April 20, 2015

CLYDE & CO US LLP

23 By: /s/

24 KEVIN R. SUTHERLAND
25 KEVIN O. MOON
26 Attorneys for Defendant
27 EMIRATES
28

1 Dated: April 17, 2015

BARR & MUDFORD, LLP

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3 By: /s/ _____
4 JOHN D. BARR
5 ESTEE LEWIS
6 Attorneys for Plaintiff
7 JUDY GARRETT

8 **ORDER**

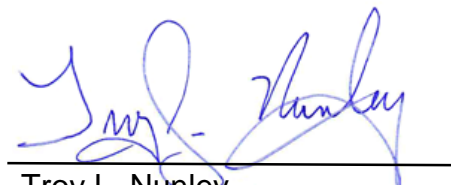
9 The Court having reviewed the foregoing Stipulation, and good cause
10 appearing therefore.

11 **IT IS HEREBY ORDERED THAT:**

- 12 1. Emirates is an agency or instrumentality of a foreign state pursuant to
13 28 U.S.C. Section 1603(a);
- 14 2. The trial of this case shall be by the Court sitting without a jury
15 pursuant to 28 U.S.C. Sections 1330(a) and 1441(d); and
- 16 3. The Court's Order dated April 9, 2015, requiring briefing on the issue
17 as to whether plaintiff is entitled to a jury trial is hereby vacated.

18 **IT IS SO ORDERED.**

19 Dated: April 23, 2015

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22 _____
23 Troy L. Nunley
24 United States District Judge
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