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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15

16 DANIEL VESELY, individually and
 on behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 BRITISH AIRWAYS PLC, VIRGIN
 ATLANTIC AIRWAYS, LTD.,
 20 UNITED AIR LINES, INC., AMR
 CORP., and AMERICAN AIRLINES,
 21 INC.,

22 Defendants.
 23

CASE NO. CV 06-04654-MJJ

**STIPULATION AND ~~PROPOSED~~
 ORDER TO EXTEND TIME TO
 RESPOND TO COMPLAINT**

24 Pursuant to Local Rule 6-1, Plaintiff Daniel Vesely and Defendants British
 Airways Plc, Virgin Atlantic Airways Ltd., United Air Lines, Inc., AMR Corp., and
 25 American Airlines, Inc. respectfully request that this Court enter an order extending
 26 the time in which Defendants must answer or otherwise respond to this matter until
 27 the later of (1) the date when the Defendant would otherwise be required to file a
 28

1 response pursuant to Federal Rule of Civil Procedure 12, or (2) 45 days after the
2 JPML rules on a motion pending in *In re International Air Transportation Surcharge*
3 *Antitrust Litigation* (MDL No. 1793) and a consolidated complaint is filed by all
4 Plaintiffs in the single transferee Court and served on the Defendant. Plaintiff Daniel
5 Vesely has consented to the requested extension. In support of this stipulation, the
6 parties state:

7 1. The Complaint in this matter was filed on July 31, 2006. It seeks relief
8 under the Sherman Act and the Clayton Act against five defendants on behalf of a
9 putative class.

10 2. Nearly 81 similar actions have been filed in various jurisdictions around
11 the country.

12 3. There is a motion pending before the Judicial Panel on Multidistrict
13 Litigation (“JPML”) to consolidate and transfer actions like this one to a single
14 venue. The JPML is considering this motion to consolidate in a matter captioned *In*
15 *re Passenger Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793.

16 4. The parties have agreed that this stipulation does not constitute a waiver
17 of any defenses, including but not limited to, the defenses of lack of personal
18 jurisdiction, lack of subject matter jurisdiction, or improper venue. The Defendants
19 expressly reserve their right to raise all defenses in response to either the current
20 complaint or any consolidated amended complaint that may subsequently be filed
21 relating to this action.

22 THEREFORE, the parties request that this Court order that the time in which
23 Defendants must answer or otherwise respond to this matter is the later of (1) the
24 date when the Defendant would otherwise be required to file a response pursuant to
25 Federal Rule of Civil Procedure 12, or (2) 45 days after the JPML rules on a motion
26 pending in *In re Passenger Air Transportation Surcharge Antitrust Litigation* (MDL
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No. 1793), and a consolidated complaint is filed by Plaintiffs in the single transferee Court and served on the Defendant.

Respectfully submitted,

Dated: August 4, 2006

THE FURTH FIRM, LLP

/s/

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Dated: August 4, 2006

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1 Dated: August 4, 2006

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15 Dated: August 4, 2006

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Dated: August 4, 2006

WEIL, GOTSHAL & MANGES LLP

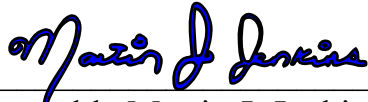
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PURSUANT TO STIPULATION,
IT IS SO ORDERED:

Dated: 8/8/2006



Honorable Martin J. Jenkins