

1 MAYER, BROWN, ROWE & MAW LLP  
 EDWARD D. JOHNSON (SBN 189475)  
 2 SHIRISH GUPTA (SBN 205584)  
 Two Palo Alto Square, Suite 300  
 3 Palo Alto, CA 94306-2112  
 Telephone: (650) 331-2000  
 4 Facsimile: (650) 331-4557  
[wjohnson@mayerbrownrowe.com](mailto:wjohnson@mayerbrownrowe.com)

6 MAYER, BROWN, ROWE & MAW LLP  
 RICHARD J. FAVRETTO  
 7 1909 K Street, N.W.  
 Washington, D.C. 20006  
 8 Telephone: (202) 263-3000  
 Facsimile: (202) 263-3300  
 9 [rfavretto@mayerbrownrowe.com](mailto:rfavretto@mayerbrownrowe.com)

10 Attorneys for Defendants  
 UNITED AIR LINES, INC. and  
 11 UAL CORP.

12 Additional Counsel Appear on Signature Page

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

16 ERIN L. DAVIS, individually and  
 on behalf of all others similarly situated,

17  
 18 Plaintiff,

19 v.

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

23 Defendants.

CASE NO. CV 06-04681-JSW

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

24 Pursuant to Local Rule 6-1, Plaintiff Erin L. Davis and Defendants British  
 25 Airways Plc, Virgin Atlantic Airways Ltd., AMR Corp., American Airlines, Inc.,  
 26 UAL Corp., and United Air Lines, Inc. respectfully request that this Court enter an  
 27 order extending the time in which Defendants must answer or otherwise respond to  
 28

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

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

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

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

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

23 THEREFORE, the parties request that this Court order that the time in which  
24 Defendants must answer or otherwise respond to this matter is the later of (1) the  
25 date when the Defendant would otherwise be required to file a response pursuant to  
26 Federal Rule of Civil Procedure 12, or (2) 45 days after the JPML rules on a motion  
27 pending in *In re Passenger Air Transportation Surcharge Antitrust Litigation* (MDL  
28

1 No. 1793), and a consolidated complaint is filed by Plaintiffs in the single transferee  
2 Court and served on the Defendant.

3  
4 Respectfully submitted,

5  
6 Dated: August 4, 2006

THE FURTH FIRM, LLP

7  
8 /s/

Michael P. Lehmann (SBN 77152)

Jon T. King (SBN 205073)

225 Bush Street, 15<sup>th</sup> Floor

San Francisco, CA 94104-4249

T: (415) 433-2070

F: (415) 982-2076

9  
10  
11  
12  
13 Dated: August 4, 2006

MAYER, BROWN, ROWE & MAW LLP

14  
15 /s/

Edward D. Johnson (SBN 189475)

Two Palo Alto Square, Suite. 300

3000 El Camino Real

Palo Alto, CA 94306

T: (650) 331-2000

F: (650) 331-4537

16  
17  
18  
19  
20 Richard J. Favretto

MAYER, BROWN, ROWE & MAW LLP

1909 K Street, NW

Washington, DC 20006

21  
22  
23  
24 *Attorneys for Defendants United Air Lines,  
Inc. and UAL Corporation*

1 Dated: August 4, 2006

SULLIVAN & CROMWELL LLP

2  
3 /s/

4 Brendan P. Cullen (SBN 194057)  
5 SULLIVAN & CROMWELL LLP  
6 1870 Embarcadero Road  
7 Palo Alto, CA 94303  
8 T: (650) 461-5600  
9 F: (650) 461-5700

10 Daryl A. Libow  
11 SULLIVAN & CROMWELL LLP  
12 1701 Pennsylvania Avenue, NW  
13 Washington, DC 20006  
14 T: (202) 956-7500  
15 F: (202) 293-6330

*Attorneys for Defendant British Airways Plc*

16 Dated: August 4, 2006

SIMPSON THACHER & BARTLETT LLP

17 /s/

18 Charles E. Koob (SBN 47349)  
19 Harrison J. Frahn (SBN 206822)  
20 SIMPSON THACHER & BARTLETT LLP  
21 2550 Hanover Street  
22 Palo Alto, CA 94304  
23 T: (650) 251-5000  
24 F: (650) 251-5002

*Attorneys for Defendant Virgin Atlantic  
Airways Limited*

1 Dated: August 4, 2006

WEIL, GOTSHAL & MANGES LLP

2  
3 /s/

4 Gayle E. Rosenstein (SBN 237975)  
5 WEIL, GOTSHAL & MANGES LLP  
6 Silicon Valley Office  
7 201 Redwood Shores Parkway  
8 Redwood Shores, CA 94065  
9 T: (650) 802-3000  
10 F: (650) 802-3100

11 *Attorneys for Defendants AMR Corporation*  
12 *and American Airlines, Inc.*

13  
14 PURSUANT TO STIPULATION,  
15 IT IS SO ORDERED:

16 Dated: August 7, 2006

17  
18   
19 Honorable Jeffrey S. White

1 Gayle E. Rosenstein  
2 WEIL, GOTSHAL & MANGES LLP  
3 Silicon Valley Office  
4 201 Redwood Shores Parkway  
5 Redwood Shores, California 94065

6 I declare under penalty of perjury under the laws of the United States of  
7 America that the above is true and correct.

8 Executed on August 4, 2006, at Palo Alto, California.

9 /s/ \_\_\_\_\_  
10 Jessica F. Davis

- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28