

1 Daniel D. Harshman, State Bar No. 177139
COZEN O'CONNOR
2 425 California Street, Suite 2400
San Francisco, CA 94104
3 Telephone: 415.617.6103
Facsimile: 415.617.6101
4 Email: dharshman@cozen.com

5 Christopher B. Kende, State Bar No. 182711
Christopher Raleigh, *Admitted Pro Hac Vice*
6 COZEN O'CONNOR
45 Broadway, 16th Floor
7 New York, NY 10006
Telephone: 212.509.9400
8 Facsimile: 212.509.9492
Email: ckende@cozen.com
9 Email: craleigh@cozen.com

10 Attorneys for Defendant
AIR FRANCE

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 CARMELITA LLORERA, ESTATE OF ROMIEL) Case No.: CV 08-001:34-SC
LLORERA,)
16 Plaintiffs,) **STIPULATION AND [PROPOSED]**
17 vs.) **ORDER EXTENDING DISCOVERY**
18 AIR FRANCE-KLM, COMPAGNIE NATIONAL)
19 AIR FRANCE, AND DOES 1 through 50,)
20 Defendants.)

21
22 Pursuant to Civil L.R. 6-1(b), 6-2 and 7-12, it is hereby stipulated between plaintiffs,
23 Carmelita Llorera, Estate of Romiel Llorera ("Plaintiffs") through their attorneys, Alexander Anolik,
24 PLC and defendant, Air France ("Defendant"), through its attorneys, Cozen O' Connor, that subject
25 to Court approval, certain deadlines for discovery and trial as imposed by this Court's Status
26 Conference Order Setting Times for Compliance with Certain Rules of Court, dated April 25, 2008,
27 be extended as outlined below. There have been no previous time modifications in this matter, by
28 stipulation or Court order.

1 This case arises out of the death of Romiel Llorera during a transatlantic flight from Paris to
2 San Francisco on January 3, 2006. Following the exchange of initial disclosures, the parties served
3 and have provided their respective Answers to Interrogatories and Responses to Requests for
4 Production of Documents. The parties have also conducted the depositions of Carmelita Llorera, the
5 decedent's wife; and Jerodelle Llorera and Francel Llorera, the decedent's daughters. The parties
6 have each retained medical experts and expect reports to be issued within the next several days.
7

8 The parties request a discovery extension for the following reasons:
9

10 1. Settlement Through Mediation. The exchange of written discovery, the depositions
11 of plaintiff and the expected issuance of medical reports have now provided the parties with enough
12 information to meaningfully participate in a voluntary mediation of this case. The parties are in the
13 process of selecting a mediator and, subject to the mediator's availability, plan to hold a mediation in
14 San Francisco by mid-December, 2008 in an attempt to settle the case.
15

16 2. In the event that efforts to settle the case through mediation are not successful, the
17 parties need to conduct depositions of witnesses who are located in France in order to finish
18 preparing the case for trial. Specifically, the parties will conduct the deposition of Fouad Soumali,
19 the Air France ticket agent who assisted the Lloreras on January 2, 2006, and his supervisor, Michel
20 Darde, both of whom are located in Paris, France. Since these witnesses are French nationals and
21 France requires compliance with the provisions of the Hague Evidence Convention for the Taking of
22 Evidence Abroad, the parties will have to file a motion seeking the issuance of a Letter of Request
23 pursuant to the Hague Evidence Convention. Once the Letter of Request is issued and filed with the
24 Central Authority in Paris, France, Defendant will be able to produce these witnesses without
25 violating French law. Defendant is in the process of preparing the requisite papers, is fully
26
27
28

1 cooperating with plaintiffs in completing the Hague Convention requests and expects to submit them
2 to the Court by December 1, 2008.

3
4 3. Further, during the flight on which Mr. Llorera expired, he was attended to by two
5 physicians and a nurse. One of the physicians resides in San Francisco and the other in France. It is
6 highly likely the parties will require third party depositions of one or more of the health
7 professionals who attempted to resuscitate Mr. Llorera in his last hours. Locating these witnesses
8 and arranging for their depositions will also require additional time.

9
10 4. In addition to the above, the parties will also have to conduct the depositions of their
11 respective medical experts who specialize in the area of nephrology and cardiology.

12
13 5. There is also a dispute as to the sufficiency of responses received by Plaintiff from
14 Defendant in response to Plaintiffs' First Sets of Interrogatories and Document Requests, answers
15 which were not received by Plaintiff until the end of October. The parties have met and conferred,
16 and several requests and interrogatories still remain in contention. Plaintiff requires additional time
17 to make, file, and seek enforcement if necessary, of the requisite motion to compel these answers.

18
19 After discussing the above the parties have agreed, subject to Court approval, that the
20 deadline to complete discovery should be extended for ninety (90) days. Therefore, the parties
21 jointly propose to the Court the following amended discovery plan:

22
23 1. All discovery shall be completed and all depositions completed by February 20, 2009.

24
25 2. The last date for motions to be noticed in accordance with Civil L.R. 7-2, is
26 March ²⁰~~27~~, 2009, at 10:00 A.M.

1 3. The case is set for trial at a date after April 15th or such other date as the Court may
2 designate.

3
4 4. A pretrial conference shall be held before the Court on April 3, 2009 at
5 10:00 a.m. *TRIAL SET for April 13-09* 

6
7 5. All other provisions of the Status Conference Order Setting Times for Compliance
8 with Certain Rules of Court dated April 25, 2008 shall remain in effect.

9 Dated: November 20, 2008

Alexander Anolik, a PLC
Attorneys for Plaintiffs

10
11 By: /s/ Alexander Anolik
12 Alexander Anolik (State Bar No. 042685)
13 Adam Anolik (State Bar No. 255083)
14 2107 Van Ness Ave., Ste. 200
15 San Francisco, CA 94109
16 Telephone: (415) 673-3333
17 Facsimile: (415) 673-3548

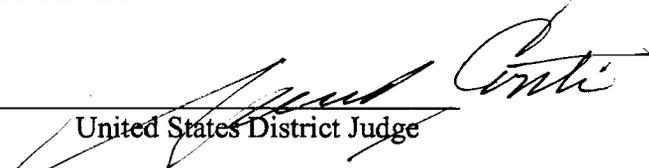
COZEN O'CONNOR

18 By: /s/ Daniel D. Harshman
19 Daniel D. Harshman (State Bar No. 177139)
20 425 California Street, Suite 2400
21 San Francisco, CA 94104
22 Telephone: 415.617.6103
23 Facsimile: 415.617.6101

24 Christopher B. Kende (State Bar No. 182711)
25 Christopher Raleigh (*pro hac vice*)
26 45 Broadway, 16th Floor
27 New York, New York 10006
28 Telephone: (212) 509-9400
Facsimile: (212) 509-9492
Attorneys for Defendant, AIR FRANCE

PURSUANT TO STIPULATION IT IS SO ORDERED:

26 Dated: 11/25, 2008


United States District Judge