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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAROL P SACHS,

No C 08-1840 VRW

Plaintiff,

ORDER TO SHOW CAUSE

v

REPUBLIC OF AUSTRIA, OBB HOLDING
GROUP, OBB PERSONENVERKEHR AG,

Defendants.

The court is in receipt of plaintiff counsel's "request for intervention during discovery event." Doc #39. In the request, counsel states that defendants refuse to respond to five interrogatories concerning the court's subject matter jurisdiction over the above-captioned action. Given the fast-approaching deadline for defendants to respond to plaintiff's complaint, Doc #38, and defendants' apparent desire to file a motion to dismiss under the Foreign Sovereign Immunities Act, see Doc #39 at 2, the

1 court treats plaintiff's request for relief as a motion to stay
2 proceedings pending defendants' response to the five
3 interrogatories at issue.

4 Without ruling on the issue, plaintiff's interrogatories,
5 id at 4, appear to be narrowly tailored to the contested issue of
6 subject matter jurisdiction. Defendants are therefore ORDERED TO
7 SHOW CAUSE in writing on or before June 21, 2010, why the court
8 should not stay these proceedings subject to defendants' response
9 to plaintiff's five interrogatories. Id. In the alternative,
10 defendants may file, on or before June 21, 2010, a motion to
11 dismiss for lack of subject matter jurisdiction or otherwise answer
12 plaintiff's complaint. If defendants file a motion to dismiss for
13 lack of subject matter jurisdiction, the court will, upon a
14 reasonable application by plaintiff, extend time for plaintiff to
15 file an opposition to that motion to dismiss until the court
16 resolves the ongoing discovery dispute.

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18 IT IS SO ORDERED.

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22 VAUGHN R WALKER
23 United States District Chief Judge
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