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8 Attorney for Plaintiffs
 9 GILBERTO BRAHA
 10 YAEL BRAHA and
 11 MICHAEL BRAHA

12 IN THE UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 DEBRA MILLER and MICHAEL DOBLER,)
 15)
 16 Plaintiffs,)
 17)
 18 CONTINENTAL AIRLINES, INC., a)
 19 Corporation, and AIR FRANCE, a French)
 20 Corporation, and the THE BOEING)
 21 COMPANY,)
 22)
 23 Defendants.)

Case No: C02-1693 VRW

24 GILBERTO BRAHA individually and as)
 25 personal representative of IARDENYTH)
 26 TITO BRAHA, decedent, for the benefit of)
 27 decedent's estate and surviving heirs, YAEL)
 28 BRAHA and MICHAEL BRAHA,)
 Plaintiffs,)
 vs.)
 DELTA AIRLINES, INC., a corporation,)
 Defendant.)

Case No: C05-01544 WHA

MOTION FOR ADMINISTRATIVE RELIEF TO CONSIDER WHETHER CASE SHOULD BE RELATED

[L.R. 3-12]

TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that plaintiffs GILBERTO BRAHA individually and as personal representative of IARDENYTH TITO BRAHA, decedent, for the benefit of decedent's estate and

1 surviving heirs, YAEL BRAHA and MICHAEL BRAHA hereby move the Court, pursuant to L.R.
2 3-12, to consider whether their above-captioned case is deemed related by this court, for all
3 purposes including trial.

4 Pursuant to Northern District Local Rule 3-12(b), the Honorable Vaughn R. Walker has
5 deemed other actions pending in the U.S. District Court for the Northern District of California as
6 well as throughout the United States under the Multi-District Judicial Panel, who created MDL
7 No. 04-1606 VRW, as being related where the plaintiff alleges he or she has “experienced deep
8 vein thrombosis secondary to the conditions” which he or she experienced on a commercial flight.

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10 **STATEMENT OF RELATIONSHIP**

- 11 1. The first-filed action in the U.S. District Court for the Northern District of
12 California containing allegations of “deep vein thrombosis” (“DVT”) was *Miller, et*
13 *al. v. Continental Airlines, Inc., et al.*, Case No. C-02-1693 VRW, and is pending
14 before the Honorable Vaughn R. Walker (“the Miller Action”). The Miller Action
15 was originally filed on April 9, 2002. The defendants in the Miller Action are
16 Continental Airlines, Inc., Air France, and The Boeing Company. Plaintiffs are
17 represented by O’Reilly, Collins and Danko. Plaintiff Miller alleges that on April
18 28, 2001 she “experienced deep vein thrombosis secondary to the conditions she
19 experienced on her long economy flight from Paris, France to Newark, New Jersey;
20 and from Newark, New Jersey to San Francisco International Airport.” Miller Fifth
21 Am. Complaint at ¶12. Plaintiff Miller’s spouse alleges a claim for loss of
22 consortium.
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24 2. On August 21, 2003, Judge Walker found that nine (9) cases containing allegations
25 of DVT were related to the Miller action.
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3. On August 22, 2003, Judge Walker found that one other case containing allegations of DVT was related to the Miller Action.
4. On August 29, 2003, Judge Walker found that another case containing allegations of DVT was related to the Miller action.¹
5. On September 12, 2003, Judge Walker found that another case containing allegations of DVT was related to the Miller Action.
6. On October 29, 2003, Judge Walker found that five (5) more cases containing allegations of DVT were related to the Miller Action.
7. On December 22, 2003, Judge Walker found that more cases containing allegations of DVT were related to the Miller Action.
8. On February 13, 2004, Judge Walker found that three (3) more cases containing allegations of DVT were related to the Miller Action.
9. On March 12, 2004, Judge Walker found that two (2) more cases containing allegations of DVT were related to the Miller Action.
10. On June 18, 2004, Judge Walker found that one (1) more case containing allegations of DVT were related to the Miller Action.
11. On October 1, 2004, Judge Walker found that three (3) more cases containing allegations of DVT were related to the Miller Action.
12. On October 4, 2004, Judge Walker found that two (2) more cases containing allegations of DVT were related to the Miller Action.
13. On October 10, 2004, Judge Walker found that two (2) more cases containing allegations of DVT were related to the Miller Action.

¹ The August 29 Order mistakenly states that *Wylie v. American Airlines, Inc.* is the low-numbered case. The case number C-02-1693, however, is for the Miller Action.

- 1 14. On October 29, 2004, Judge Walker found that one (1) more cases containing
2 allegations of DVT were related to the Miller Action.
- 3 15. On December 14, 2004, Judge Walker found that two (2) more cases containing
4 allegations of DVT were related to the Miller Action.
- 5 16. On January 28, 2005, Judge Walker found that two (2) more cases containing
6 allegations of DVT were related to the Miller Action.
- 7 17. On June 25, 2004, a TRANSFER ORDER from Judicial Panel on Multidistrict
8 Litigation, Pursuant to 28 U.S.C. 1407, was issued by the Honorable WM. Terrell
9 Hodges, transferring actions to the Northern District of California creating MDL
10 No. 04-1606 VRW. A true and correct copy of said order is hereto attached as
11 **Exhibit A.**
- 12 18. Plaintiffs herein, GILBERTO BRAHA, individually and as personal representative
13 of IARDENYTH TITO BRAHA, decedent, YAEL BRAHA and MICHAEL
14 BRAHA, allege that on or about September 23, 2003, Plaintiff IARDENYTH
15 TITO BRAHA developed DVT and/or a Pulmonary Embolism (PE) and other
16 medical complications, which were proximately and legally caused by DELTA
17 AIRLINES, INC., as set forth above as a result of the conditions she experienced
18 on her flight from San Francisco, California to Rome, Italy, which resulted in her
19 death. The defendant in this action is DELTA AIRLINES, INC. Plaintiffs are
20 represented by Sterns & Walker, 901 Clay Street, Oakland, CA 94607.

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24 **GROUND FOR NOTICE OF RELATED CASES**

- 25 19. In the Braha action, as with the other DVT actions, the plaintiffs allege that the air
26 carrier defendant(s) and aircraft manufacturer are liable for “deep vein thrombosis” caused by
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1 commercial flights. Because the Braha Action also involves questions of law regarding a similar
2 event, assignment of this matter to the Hon. Vaughn R. Walker would avoid the duplication of
3 labor, expense and/or conflicting results within the same jurisdiction. Thus, pursuant to Judge
4 Walker's previous orders regarding DVT cases, this case should also be deemed related to the
5 Miller Action pursuant to Northern District Local Rule 3-12(b).
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7 Dated: Dated: April 21, 2005

GERALD C. STERNS (Bar No. 029976)
BRENDA D. POSADA (Bar No.152480)
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By: _____
Brenda D. Posada
Attorneys for Plaintiffs