

1 CROWELL & MORING LLP
 Douglas W. Sullivan (SBN 088136)
 dsullivan@crowell.com
 2 Joel D. Smith (SBN 244902)
 jsmith@crowell.com
 3 275 Battery Street, 23rd Floor
 San Francisco, CA 94111
 4 Telephone: (415) 986-2800
 5 Facsimile: (415) 986-2827

6 CROWELL & MORING LLP
 Scott L. Winkelman (admitted *pro hac vice*)
 swinkelman@crowell.com
 7 Lisa J. Savitt (admitted *pro hac vice*)
 lsavitt@crowell.com
 8 April N. Ross (admitted *pro hac vice*)
 aross@crowell.com
 9 1001 Pennsylvania Avenue NW
 Washington, DC 20004
 10 Telephone: (202) 624-2500
 Facsimile: (202) 628-5116

11 Attorneys for Defendant
 12 E.I. DU PONT DE NEMOURS AND COMPANY

13 BOWLES & VERNA LLP
 Michael P. Verna (SBN 84070)
 mverna@bowlesverna.com
 14 2121 N. California Boulevard, Suite 875
 Walnut Creek, California 94596
 15 Telephone: (925) 935-3300
 16 Facsimile: (925) 935-09371

17 Attorneys for Plaintiffs

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN FRANCISCO DIVISION**

22 MARGITA GERGLOVA and VIKTOR
 23 GERGEL, individually, as successors-in-interest to
 ARNOLD GERGEL, deceased, and as co-Personal
 24 Representatives of the Estate of ARNOLD
 GERGEL; ALIA FAROUKH, individually, as
 25 legal guardian for KARIM WARDE KHALIFEH
 and MOHAMAD ALI KHALIFEH, as successor-
 26 in-interest to HUSSEIN MOUNIR KHALIFEH,
 deceased and as Personal Representative of the
 27 Estate of HUSSEIN MOUNIR KHALIFEH;
 CAMILLE LACOME, individually, as legal
 28 guardian for ZOURI SALEMKOUR LACOME, as

CASE NO. 09-CV-05020-SI

[Assigned to Hon. Susan Y. Illston]

STIPULATION AND [PROPOSED]
 ORDER REGARDING STAY OF
 PENDING MOTIONS TO DISMISS

1 successor-in-interest to SAMIR SALEMKOUR,
2 deceased and as Personal Representative of the
3 Estate of SALEMKOUR LACOME; MATTHIEU
4 ARRONDO, individually, as successor-in-interest
5 to CATHERINE ARRONDO TAKVORIA,
6 deceased, and as Personal Representative of the
7 Estate of CATHERINE ARRONDO TAKVORIA;
8 CHANTAL KOEHLER, individually, as
9 successor-in-interest to AUDREY QUESADA,
10 deceased, SANA ZERELLI, deceased, and
11 JASSIM ZERELLI, deceased, and as Personal
12 Representative of the Estates of AUDREY
13 QUESADA, SANA ZERELLI, AND JASSIM
14 ZERELLI; and GUY WARRIOR, individually, as
15 successor-in-interest to NEIL WARRIOR,
16 deceased, and as Personal Representative of the
17 Estate of NEIL WARRIOR,

18
19 Plaintiffs,

20 vs.

21 AIRBUS S.A.S.; HONEYWELL
22 INTERNATIONAL; THALES GROUP; THALES
23 U.S.A., INC.; MOTOROLA, INC.; INTEL CO.;
24 ROCKWELL COLLINS CO.; HAMILTON
25 SUNDSTRAND CORP.; GENERAL ELECTRIC
26 CO.; GE AVIATION SYSTEMS, LLC;
27 ROSEMOUNT AEROSPACE INC.; DUPONT
28 CO.; and RAYCHEM CO.,

Defendants.

1 Pursuant to Civil Local Rules 6-2 and 7-12, Defendants Motorola, Inc., E. I. du Pont de
2 Nemours and Company and Raychem Corporation (collectively, "Moving Defendants") and all
3 Plaintiffs, by and through their respective counsel of record, HEREBY STIPULATE AS
4 FOLLOWS:

5 1. WHEREAS, all defendants have filed with the Judicial Panel on Multidistrict
6 Litigation (the "Panel") a Joint Motion for Coordinated or Consolidated Pre-Trial Proceedings
7 Pursuant to 28 U.S.C. § 1407 (the "Motion"), seeking to consolidate this case with two other
8 actions also arising from the crash of Air France Flight 447, and the Panel has scheduled a

1 hearing on the Motion for March 25, 2010. A true and correct copy of the Panel's hearing order
2 is attached hereto as Exhibit A.

3
4 2. WHEREAS, Moving Defendants also have filed motions to dismiss Plaintiffs'
5 complaint, and this Court has scheduled a hearing on those motions for March 12, 2010 (Dkt. 87).

6 3. WHEREAS, Moving Defendants and Plaintiffs seek to conserve judicial resources
7 and will not suffer prejudice from delaying a ruling on Moving Defendants' motions to dismiss
8 until the Panel resolves Defendants' Motion.

9
10 4. WHEREAS, a stay pending the Panel's resolution of Moving Defendants' Motion
11 is supported by case law. *See, e.g., Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360-61 (C.D.
12 Cal. 1997) (holding that stay was warranted, pending resolution by the Panel of a motion to
13 transfer and consolidate, because such a stay would conserve judicial resources and would not
14 prejudice the parties); *Palmer v. Am. Honda Motor Co.*, No. CV 07-1904-PHX-DGC, 2008 WL
15 54914, at *1 (D. Ariz. Jan. 3, 2008) (same).

16 NOW, THEREFORE, MOVING DEFENDANTS AND PLAINTIFFS HEREBY
17 STIPULATE AS FOLLOWS:

18
19 This Court may order that the hearings on Moving Defendants' motions to dismiss are
20 continued and taken off calendar until after the Panel's ruling on the Motion to the Panel, with
21 new hearings to be rescheduled thereafter at the request of the Moving Defendants (if appropriate
22 in light of the Panel's ruling) on a date and time convenient for this Court.

23 **IT IS SO STIPULATED.**

24 Dated: March 9, 2010

BOWLES & VERNA LLP

25 By: _____ /s/ Michael P. Verna
26 Michael P. Verna

27 Attorneys for Plaintiffs
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March 9, 2010

SCHNADER HARRISON SEGAL & LEWIS
LLP

By: _____ /s/ Leo J. Murphy _____

Attorneys for Defendant
MOTOROLA, INC.

Dated: March 9, 2010

CROWELL & MORING LLP

By: _____ /s/ Lisa J. Savitt _____

Attorneys for Defendant
E. I. DU PONT DE NEMOURS AND
COMPANY

Dated: March 9, 2010

MENDES & MOUNT LLP

By: _____ /s/ Jason L. Vincent _____

Attorneys for Defendant
RAYCHEM CORPORATION

Pursuant to General Order 45 Section X.B, each of the above signatories concurs in the filing of this document.


[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

withdrawn

The hearings on Moving Defendants' motions to dismiss are ~~continued~~ and taken off calendar until after the Panel's ruling on the Motion to the Panel, with new hearings to be rescheduled thereafter at the request of the Defendants (if appropriate in light of the Panel's ruling) on a date and time convenient for this Court.

DATED: _____, 2010



Honorable Susan Y. Illston
United States District Court Judge

024941\0000533\10725698.1