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September 22, 2010

Via E-File

The Hon. Edward M. Chen
United States District Court – Northern District of California
450 Golden Gate Ave., 16th Floor
San Francisco, CA 94102

**Re: Lindsay Focht v. Sol Meliá, S.A. dba Sol Melia Hotels and Resorts
USDC, Northern District of CA, Case No.: 3:10-cv-00906-EMC
Our File No.: 08530.00012**

Dear Judge Chen:

This letter, submitted on behalf of both parties, addresses issues pertinent to the Case Management Conference scheduled for September 29, 2010.

Procedural History

On April 29, 2010, Sol Melia S.A. dba Sol Melia Hotels and Resorts (“Sol”) specially appeared and filed a Motion to Dismiss on the basis of lack of personal jurisdiction, insufficient service of process, and forum non conveniens. This motion was bifurcated and after plaintiff submitted her opposition to the service of process issue, Sol Meliá withdrew that portion of the motion to dismiss. Plaintiff then filed a motion to compel jurisdictional discovery which was granted by the Court.

The parties cannot agree on the scope of the depositions ordered by the Court and are preparing a joint letter to the court on the scope of this discovery.

On June 25, 2010, the Court reset the Initial Case Management Conference to September 29, 2010. Defendant has provided answers (as yet unverified) to Plaintiff’s Interrogatories with the caveat that there may be amendments to some answers. No depositions have been set as the parties dispute the scope of the same. The second portion of the Motion to Dismiss (on jurisdiction and forum non conveniens) remains to be adjudicated.

Per the Order of the Court, September 22, 2010, is the last day for the parties to file the joint CMC statement, Rule 26(f) Report, and stipulation to ADR process or notice of need for ADR phone conference and ADR certification. Sol has only specially appeared in this matter in order to file a Motion to Dismiss. As such, the case is not yet at issue and the parties have not yet resolved the issues preliminary to making a determination as to ADR process selection, initial disclosures, early settlement and discovery plan.

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Matters for the Court on September 29, 2010.

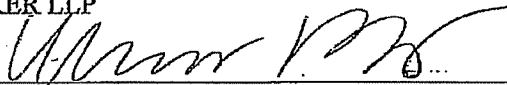
The parties respectfully request that the Court address the following matters at the time set for the CMC at 1:30 p.m. on September 29, 2010:

1. Resolving the scope of the depositions ordered by the court on August 8, 2010. (A joint letter will shortly be submitted on this issue) and
2. Discussing completion of outstanding discovery on jurisdiction, a briefing schedule and hearing date for the remainder of the Motion to Dismiss.

An executed stipulation to this effect is enclosed.

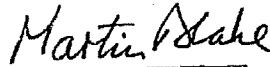
Very truly yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP



Eleanor W. Knight

BAUM & BLAKE



Martin Blake

Enclosure

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SOL MELIA, S.A. dba SOL MELIA HOTELS & RESORTS
7

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 LINDSAY FOCHT,

13 Plaintiff,

14 vs.

15 SOL MELIA, S.A. dba SOL MELIA HOTELS
& RESORTS,

16 Defendant.
17

Case No.: CV 10-00906 EMC

Honorable Edward M. Chen

**STIPULATION TO CONTINUE INITIAL
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

[L.R. 7-11]

Current CMC date: Sept. 29, 2010, 1:30 P.M.
Proposed CMC date: _____, 2010, 1:30 P.M.

Action Filed: March 3, 2010

19 **IT IS HEREBY STIPULATED**, pursuant to Local Rule 7-11, by and between specially
20 appearing Defendant SOL MELIA, S.A. dba SOL MELIA HOTELS & RESORTS (“Defendant”)
21 and Plaintiff LINDSAY FOCHT through their attorneys of record, as follows:
22

23 1. That the initial Case Management Conference presently set for September 29, 2010,
shall be continued to a date to be set by the Court on September 29, 2010.

24 2. That at the September 29, 2010 hearing, the court will give further directions
25 including, but not limited, to, the following matters:

26 (1) Resolving the scope of the depositions previously ordered by the court; and
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(2) Discussing completion of jurisdictional discovery, a briefing schedule and hearing date for the remainder of the Motion to Dismiss.

Dated: September 22, 2010

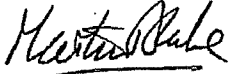
WILSON, ELSE, MOSKOWITZ,
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By: 

RALPH W. ROBINSON
ELEANOR W. KNIGHT
Attorneys for Defendant,
SOL MELIA, S.A. dba SOL MELIA HOTELS
& RESORTS

Dated: September 22, 2010

BAUM & BLAKE

By: 

DAVID B. BAUM
MARTIN BLAKE
Attorneys for Plaintiff,
LINDSAY FOCHT

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 9/24, 2010

Honorable Edward M. Chen

