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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 LINDSAY FOCHT,

14 Plaintiff,

15 vs.

16 SOL MELIA, S.A. dba SOL MELIA
 17 HOTELS & RESORTS,

18 Defendant.

No. 3:10-CV-00906-EMC

ASSIGNED FOR ALL PURPOSES TO
 MAGISTRATE JUDGE EDWARD M.
 CHEN

STIPULATION TO CONTINUE
 MOTION HEARING AND STATUS
 CONFERENCE; ~~[PROPOSED]~~ ORDER

Current Hearing Date: September 30, 2011
 Time: 1:30 p.m.
 Proposed Hearing Date: November 30,
 2011 .

Action filed: March 3, 2010

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

1. That the scheduled Motion Hearing and Status Conference presently set for September 30, 2011 at 1:30 p.m. shall be vacated and shall be continued to November 18, 2011 at 1:30 p.m.

1 Plaintiff's Opposition brief shall be filed by October 28, 2011 and Defendant's Reply brief shall be filed
2 by November 4, 2011.

3 2. That an updated joint status conference statement shall be filed by November 11, 2011
4 and that a status conference will be held at the conclusion of the Motion to Dismiss hearing on
5 November 18, 2011.

6 3. This continuance and order is due to the fact that the deposition of the person most
7 knowledgeable ("PMK") of Sol Melia Vacation Club, ("SMVC") a subsidiary of Defendant Sol Melia
8 S.A., ("Sol") had to be continued due to the emergency hospitalization of Mr. Henry, the designated
9 witness, the day before his scheduled deposition on June 8, 2011. Mr. Henry was hospitalized by reason
10 of pneumonia and has suffered complications that make it unlikely he will fit to testify before August
11 2011. The deposition of SMVC is important because it sells timeshares in Sol Hotels and Plaintiff
12 contends that its California sales are attributable to Sol, its parent company, as evidence of doing
13 business in the state.

14 Defense counsel has agreed that unless it is confirmed by July 25, 2011, that Mr. Henry will be
15 fit to testify during the first two weeks of August, another witness will be prepared to testify and the
16 PMK deposition will be scheduled no later than August 15, 2011.

17 For the facts and reasons stated the Court is respectfully requested to grant the continuance
18 requested and rescheduled the dates accordingly.

19 Dated: June 30, 2011

BAUM & BLAKE

20
21 By: 
22 MARTIN BLAKE
23 Attorneys for Plaintiff

24 DATED: June 27 2011

WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP

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27 By: 
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RALPH ROBINSON and
ELEANOR KNIGHT
Attorneys for Defendant,
SOL MELIA, S.A. dba
SOL MELIA HOTELS & RESORTS

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS ORDERED

THAT:

1. The scheduled hearing on Defendant's Motion to Dismiss and Case Status Conference presently set for September 28, 2011 at 1:30 p.m. shall be vacated and shall be continued to ~~November 18, 2011 at 1:30 p.m.~~ December 2, 2011 at 1:30 p.m. Plaintiff's Opposition brief shall be filed by October 28, 2011 and Defendant's Reply brief shall be filed by November 4, 2011.

2. An updated Joint Status conference Statement shall be filed by November 23, 2011, and a Status conference shall be held at the conclusion of the hearing on the Motion to Dismiss on ~~November 18, 2011.~~ December 2, 2011 at 1:30 p.m.

Dated: July 1, 2011

