

1 **JAMES M. BARRETT, ESQ. SBN 190274**
2 **LAW OFFICE OF JAMES M. BARRETT PLC**
3 **789 CASTRO STREET**
4 **MOUNTAIN VIEW, CA 94041**
5 **PH. 650-969-3687**
6 **FX 650-969-3699**

7 **Attorney for Claimant Raymond Pestalozzi**

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **RAYMOND PESTALOZZI, an Individual**
11 **DBA THINK SECURE LABS**

12 **Plaintiff,**

13 **v.**

14 **PATEK PHILIPPE S. A. , THIERRY**
15 **STERN, an Individual.**

16 **Defendants.**

Case No: CV101558

**REQUEST FOR CONTINUANCE OF
CASE MANAGEMENT CONFERENCE
SET FOR SEPTEMBER 19, 2011**

(Proposed) ORDER

Honorable Magistrate Judge Chen

17 TO ALL PARTIES AND THEIR ATTORNEYS, Plaintiff Raymond Pestalozzi
18 Requests that the Case Management Conference set for September 19, 2011 be continued for the
19 following reasons;

- 20 1. Defendants Patek Philippe S.A and Thierry Stern have no legal presence in the
21 United States of America but reside, operate and are incorporated in the Country
22 of Switzerland on the Continent of Europe.
- 23 2. Service of Process must be made through The Hague Service Convention.
- 24 3. All documents are to be translated into French for service in the native language.
- 25 4. The Law Offices of James M. Barrett PLC are utilizing the services of Crowe
26 Foreign Services of Portland, Oregon for service of the defendants.
- 27 5. Crowe Foreign Services are recognized as a foreign service organization.
- 28

6. Crowe Foreign Services has provided sufficient information that the service of the complaint and associated documents will take a minimum of three months from date of submission to serve of the Defendants.
7. Plaintiff Pestalozzi has been hampered with medical conditions including a stroke and additionally has been on a respirator and heart control pump which has prevented his ability to prepare all pleadings' translation for the service of process.
8. Plaintiff Pestalozzi has been recovering and following the last case management submission had a severe relapse causing his inability to participate in this matter.
9. Plaintiff apologizes to the Court for any delay, but does intend to participate in this matter at his earliest possible ability.
10. That Plaintiff hereby requests that the Case Management Conference be continued for a period of six months to insure service or process and a proper response from Defendants.

This continuance is hereby requested based on the above information and judicial efficiency is best served by this continuance.

Dated: September 12, 2011

Respectfully submitted,

The Law Office of JAMES M. BARRETT PLC

By: James M. Barrett
 JAMES M. BARRETT
 ATTORNEY FOR PLAINTIFF

Having reviewed the Request for Continuance from Plaintiff, including the statements regarding the requirements for service of process of the complaint it is the Order of this Court that the Case Management Conference set for September 19, 2011 is hereby continued to 3/30/12 at 9:00 a.m. A joint CMC Statement shall be filed by 3/23/12.
 2011.

IT IS SO ORDERED.
 DATED: 9/14/11

District

Magistrate Judge Edward M.
 Judge of the Court

Pestalozzi v. Patek
Request for Case Management Continuance

