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6 Attorneys for Petitioner
 7 Thomas Guiseppc Miccio

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE DISTRICT OF NORTHEN CALIFORNIA
 10 SITTING AS A TREATY TRIBUNAL UNDER
 11 ARTICLE III SECTION 2 OF THE UNITED STATES CONSTITUTION
 12 CONCURRENT JURISDICTION CONFERRED BY 42 U.S.C. 11601 ET SEQ.

13 In re the Matter of:

14 Thomas Guiseppe Miccio,
 15 Petitioner,
 16 and
 17 Tania Darlene Miccio,
 18 Respondent.

} Case No. CV-10-3976 EMC

} **STIPULATION AND ORDER – NO
 AFFIRMATIVE ACTION TO SERVICE
 PROCESS ON PETITIONER THOMAS
 MICCIO ; ORDER**

19 THE CONVENTION ON THE CIVIL ASPECTS
 20 OF INTERNATIONAL CHILD ABDUCTION,
 21 DONE AT THE HAGUE ON 25 OCT. 1980 [THE CONVENTION]

22 INTERNATIONAL CHILD ABDUCTION REMEDIES ACT
 23 42 U.S.C. 11601 et seq.

24 Thomas Miccio(Petitioner) by and through and his attorney, Stephen B. Ruben and Tania
 25 Miccio(Respondent) by and through her attorney, Brent Seymour so stipulate as follows:
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1. There is a pending action before this Court under the Hague Convention filed by Petitioner hereinafter referred to as Petitioner”) seeking to return the parties minor child to Denmark which Petitioner alleges Isabella’s her habitual residence.
2. Respondent initially initiated legal separation proceedings in the Marin County, California under Case No. FL1003657.
3. Petitioner filed a Motion to quash claiming lack of minimum contacts in the State of California for the Court of California precluding Petitioner to submit to the personal jurisdiction.
4. The parties submitted briefs on this matters and the Court on December 3, 2010 granted Petitioner’s Motion to quash and dismiss the legal separation proceedings, but stayed the custody issues under the Uniform Child Custody Enforcement Act pending the disposition of Petitioner’s Hague Convention Petition.
5. The parties through their respective counsel attended a case management conference on December 15, 2010 in which the Court ordered that the parties appear and participate in an Early Neutral Evaluation.
6. The parties agree to an ENE conference of March 9, 2011 to be conducted by Harold John McElhinny at Morrison and Forrester at 10:00 a.m.
7. In conjunction with the Petitioner’s anticipated appearance at the ENC, the parties agree that Petitioner appearance as court mandated ENC shall not be considered to be submitting to the personal jurisdiction of the California Courts. Petitioner’s appearance shall not be a basis for Respondent to assert or claim that he now has submitted to the jurisdiction and therefore there are sufficient minimum contacts to proceed in either any legal separation, legal dissolution or any other court proceedings to be filed in either in State or Federal Court.

1 8. Respondent and her counsel agree not to attempt to serve process of any petition or
 2 complaint that is either pending or may be initiated while Petitioner is in United States either
 3 here in California or any other state while Petitioner is in transit to United States from Denmark
 4 and his return for his attendance of the ENC conference. Any attempted service or service shall
 5 be given no legal effect by this Court or any court of competent jurisdiction and shall be a basis
 6 for seeking sanctions and attorney's fees against Respondent and her counsel.

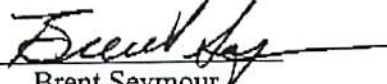
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 8 DATED: ^{Feb. 28,} ~~March~~ __, 2011

THE RUBEN LAW FIRM

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 10
 11 By: 
 12 Stephen B. Ruben
 Attorney for Petitioner

13 DATED: ^{Feb.} ~~March~~ ²⁸ __, 2011

THORNE-SEYMOUR-MEHMET

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 15
 16 By: 
 17 Brent Seymour
 Attorney for Respondent

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 19 IT IS SO ORDERED:

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 21 _____
 22 Edward M. Chen
 U.S. Magistrate Judge

