

E-Filed 2/2/12

1 FRANK M. PITRE (SBN 100077)
 CHRISTOPHER LAVORATO (SBN 221034)
 2 JESSICA L. CURIALE (SBN 271221)
COTCHETT, PITRE & McCARTHY, LLP
 3 San Francisco Airport Office Center
 840 Malcolm Road, Suite 200
 4 Burlingame, California 94010
 Telephone: (650) 697-6000
 5 Facsimile: (650) 697-0577
 fpitre@cpmlegal.com; clavorato@cpmlegal.com
 6 nokcu@cpmlegal.com; jcuriale@cpmlegal.com

7 *Attorneys for Plaintiffs*

8 ROBERT F. KANE (SBN 71407)
 9 **THE LAW OFFICES OF ROBERT KANE**
 870 Market Street, No. 1128
 10 San Francisco, California 94102
 Telephone: (415) 982-1510
 11 Facsimile: (415) 982-5821
 rkane1089@aol.com

12 *Attorneys for Plaintiffs*

Frank A. Silane (SBN 90940)
 Jennifer J. Johnston (SBN 125737)
 Richard A. Lazenby (SBN 202105)
CONDON & FORSYTH LLP
 1901 Avenue of the Stars, Suite 850
 Los Angeles, California 90067-6010
 Telephone: (310) 557-2030
 Facsimile: (310) 557-1299
 fsilane@condonlaw.com;
 jjohnston@condonlaw.com
 rlazenby@condonlaw.com

Attorneys for Defendants

16 **UNITED STATES DISTRICT COURT FOR THE**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 FELIPE MONTES, an individual; and
 19 ISABEL MONTES, an individual,

20 Plaintiffs,

21 v.

22 AERORÍAS DE MÉXICO, S.A. DE C.V.,
 operating as AEROMÉXICO, a foreign
 23 corporation; and AEROMÉXICO CONNECT,
 a foreign corporation,

24 Defendants.

CASE NO. C 10-05194 RS

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE THE
 FEBRUARY 9, 2012 HEARING DATE**

1 Counsel for Plaintiffs Felipe and Isabel Montes and for Defendants Aerovias De Mexico,
2 S.A. de C.V. and Aeromexico Connect, in support of their Stipulation to Continue the February 9,
3 2012 Hearing Date jointly state as follows:

4 1. Whereas, counsel for Plaintiffs and for Defendants have met and conferred and
5 agree to stipulate, and request the Court's approval, to continue the February 9, 2012 hearing
6 regarding dismissal of the case.

7 2. Whereas, Pursuant to the Court's Standby Order dated December 19, 2011, the
8 parties are required to file a stipulation of dismissal by February 6, 2012. If a stipulation of dismissal
9 is not filed by that date, the parties are ordered to appear on February 9, 2012 at 1:30 p.m. in
10 Courtroom 3, 17th Floor of the San Francisco Courthouse and show good cause why the case should
11 not be dismissed.

12 3. Whereas, Plaintiff has been negotiating all liens associated with this case since the
13 matter settled at mediation on December 13, 2011.

14 4. Whereas, on January 18, 2012, Plaintiffs counsel negotiated a final reduced amount
15 for Felipe Montes' lien with Gibson & Sharps on behalf of Healthcare Recoveries. Correspondence
16 accepting the negotiated reduced amount was sent out and resolution of the lien is currently pending
17 until the settlement proceeds have been received and payment and satisfaction of that lien has been
18 confirmed.

19 5. Whereas, on January 24, 2012, Plaintiffs counsel negotiated a final reduced amount
20 for Felipe Montes' lien with the Department of Healthcare Services (MediCal). Correspondence
21 accepting the negotiated reduced amount was sent out and resolution of the lien is currently pending
22 until the settlement proceeds have been received and payment and satisfaction of that lien has been
23 confirmed.

24 6. Plaintiffs counsel is still in the process of negotiating the lien that Felipe Montes
25 currently has with MediCare (MSPRC). On December 20, 2011 Plaintiffs counsel sent
26 correspondence to MediCare requesting an updated payment summary form for Felipe Montes. On
27 January 5, 2012 Plaintiffs counsel sent a follow up letter requesting a final settlement amount for
28 Felipe Montes and provided MediCare with additional settlement information. On January 26, 2012

1 Plaintiffs counsel called MediCare and spoke to a representative, during which, the representative
2 indicated that the additional settlement information was received and it will take a minimum of 35
3 days for our office to receive a final settlement amount for Felipe Montes. Once this lien has been
4 negotiated and a reduced amount has been agreed upon, settlement proceeds have been distributed
5 and all liens have been resolved, the parties will file a stipulation of dismissal with the Court.
6

7 THE PARTIES AGREE AND STIPULATE AS FOLLOWS:
8

9 The February 9, 2012 hearing regarding dismissal of the case be continued to a date,
10 no less than 45 days, to a date determined by Honorable Richard Seeborg.
11

12 **SO STIPULATED.**
13

14 DATED: February 2, 2012

COTCHETT, PITRE & McCARTHY, LLP

16 By: /s/ Christopher Lavorato
17 CHRISTOPHER LAVORATO
18 *Attorney for Plaintiffs*
19

20 DATED: February 2, 2012

CONDON & FORSYTH, LLP

22 By: /s/ Jennifer Johnston
23 JENNIFER JOHNSTON
24 *Attorney for Defendants*
25
26
27
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

[PROPOSED] ORDER

Pursuant to the parties' stipulation and good cause having been shown for the continuance of the hearing date, a new hearing date shall be set for March 29, 2012 at 1:30 am/pm in Courtroom 3, 17th Floor of the San Francisco Courthouse.

IT IS SO ORDERED

DATED: 2/2/12



HONORABLE RICHARD SEBORG
United States District Judge