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8	UNITED STATES DISTRICT COURT			
9	NORTHERN DISTRICT OF CALIFORNIA			
10	SAN FRANCISCO DIVISION			
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12	DAREN HEATHERLY and IRMA RAMIREZ,	Case No.: CV 11-1069 MEJ		
13	Plaintiffs,	Unlimited Civil Matter		
14	v.	FOURTH STIPULATION EXTENDING TIME FOR DEFENDANT XU TRUONG		
15	MARISCO'S LA JAIBA; XU TRUONG and AHN HOANG, TRUSTEES OF THE	and ANH HOANG, TRUSTEES OF THE TRUONG/HOANG FAMILY TRUST TO		
16	TRUONG/HOANG FAMILY TRUST, U.D.T. dated March 18, 1997; and MIGUEL PELAYO	RESPOND TO PLAINTIFFS' COMPLAINT AND EXTENDING DATES		
17	MONTIEL, an individual dba MARISCO'S LA JAIBA,	IN SCHEDULING ORDER; AND (PROPOSED) ORDER THEREON		
18	Defendants.	TROI USED J ORDER THEREON		
19				
20	Plaintiffs DARREN HEATHERLY AND I	RMA RAMIREZ (hereinafter "Plaintiffs") and		
21	Defendants MARISCO'S LA JAIBA (hereinafter "I	Marisco's"); XU TRUONG and ANH HOANG		
22	(erroneously sued herein as AHN HOANG), TRUS	TEES OF THE TRUONG/HOANG FAMILY		
23	TRUST, U.D.T. dated March 18, 1997 (hereinafter	"Defendant Truong"); and MIGUEL PELAYO		
24	MONTIEL, an individual dba MARISCO'S LA JAIBA (hereinafter "Montiel"), by and through their			
25	respective counsel, respectfully request to make the following stipulation:			
26	1. WHEREAS, all Defendants have been served with the Summons and Complaint; and			
27	2. WHEREAS, Defendants Marisco's and Montiel have filed an Answer to the			
28	Complaint; and			
	1 FOURTH STIP_EXTENDING TIME FOR DEFENDAN	T TO RESPOND TO PLAINTIFES' COMPLAINT AND		
	FOURTH STIP. EXTENDING TIME FOR DEFENDANT TO RESPOND TO PLAINTIFFS' COMPLAINT AND EXTENDING DATES IN SCHEDULING ORDER; AND [PROPOSED] ORDER THEREON - CV 11-1069 MEJ Dockets.Justia			

1	3. WHEREAS, the Court has entered three prior Orders extending the dates in the		
2	Scheduling Order based on Stipulations agreed to by the parties.		
3	4. WHEREAS, the Court's July 15, 2011 Order extended the dates in the Scheduling		
4	Order as follows:		
5	Defendant Truong's response to the Complaint due July 28, 2011.		
6	Parties to complete Initial Disclosures by July 29, 2011.		
7	Parties to hold a joint inspection of the premises by August 5, 2011.		
3	Parties to meet and confer in person to discuss settlement by August 15, 2011.		
)	Plaintiff's file "Notice of Need for Mediation" by September 20, 2011.		
)	5. WHEREAS, on July 5, 2011, Defendant Truong made a written settlement offer to		
1	Plaintiffs.		
2	6. WHEREAS, on July 20, 2011, Plaintiffs made a written counteroffer for settlement to		
3	Defendant Truong.		
1	7. WHEREAS, Defendant Truong and Plaintiffs continue to actively attempt to negotiate		
5	a settlement in the above-referenced case, and wish to reduce fees, costs and litigation expenses in		
5	doing so.		
7	8. WHEREAS, the parties believe it would be in the interests of efficiency and economy		
3	to extend the time for Defendant Truong to respond to Plaintiff's Complaint and to further extend for		
)	two weeks the dates in the July 15, 2011 Order.		
)	IT IS STIPULATED that:		
L	1. Defendant Truong will have up to and including August 11, 2011 to respond to the		
2	Complaint;		
3	2. The parties will complete initial disclosures by August 12, 2011;		
1	3. The parties will hold a joint inspection of the premises by August 19, 2011;		
5	4. The last day for the parties to meet and confer in person to discuss settlement is		
5	August 29, 2011;		
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	2 FOURTH STIP. EXTENDING TIME FOR DEFENDANT TO RESPOND TO PLAINTIFFS' COMPLAINT AND		

1	5. The last day for Plaintiffs	to file "Notice of Need for Mediation" is October 4, 2011.
2	DATED: July 27, 2011	THOMAS E. FRANKOVICH,
3		A Professional Law Corporation Attorneys for Plaintiffs
4		DAREN HEATHERLY and IRMA RAMIREZ
5		By: <u>/s/ Thomas E. Frankovich</u> Thomas E. Frankovich
6	DATED: July 27, 2011	AARON & WILSON, LLP
7	DATED. July 27, 2011	Attorneys for Defendants
8		MARISCO'S LA JAIBA; MIGUEL PELAYO MONTIEL, an individual dba MARISCO'S LA
9		JAIBA
10		By: <u>/s/ Robert S. Aaron</u> Robert S. Aaron
11	DATED: July 27, 2011	HATCHER & RUNDEL
12		Attorneys for Defendants MARISCO'S LA JAIBA; MIGUEL PELAYO
13		MONTIEL, an individual dba MARISCO'S LA JAIBA
14		By:/s/ William W. Hatcher, Jr.
15		By: <u>/s/ William W. Hatcher, Jr.</u> William W. Hatcher, Jr.
16	DATED: July 27, 2011	SPAULDING McCULLOUGH & TANSIL LLP
17		Attorneys for Defendants
18		XU TRUONG and ANH HOANG, Trustees of the TRUONG/HOANG FAMILY TRUST, U.D.T. dated March 18, 1997 (erroneously sued herein as AHN
19		HOANG)
20		By: <u>/s/ Mary P. Derner</u> Mary P. Derner
21		Mary F. Demer
22		
23		<u>ORDER</u>
24	IT IS SO ORDERED that Defendant Truong will have up to and including August 11, 2011	
25	to respond to the Complaint.	
26	IT IS FURTHER ORDERED that the parties will complete initial disclosures by August 12,	
27	2011;	
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		EFENDANT TO RESPOND TO PLAINTIFFS' COMPLAINT ANI RDER; AND [PROPOSED] ORDER THEREON - CV 11-1069 MEJ

1	IT IS FURTHER ORDERED that the parties will hold a joint inspection of the premises by		
2	August 19, 2011.		
3	IT IS FURTHER ORDERED that the last day for the parties to meet and confer in person to		
4	discuss settlement is August 29, 2011;		
5	IT IS FURTHER ORDERED that the last day for Plaintiffs to file "Notice of Need for		
6	Mediation" is October 4, 2011.		
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8	Dated: July 29 THE HONOKAY, E MARIA-ELENA JAMES		
9	United States Magistrate Judge		
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	4 FOURTH STIP. EXTENDING TIME FOR DEFENDANT TO RESPOND TO PLAINTIFFS' COMPLAINT AND		
	EXTENDING DATES IN SCHEDULING ORDER; AND [PROPOSED] ORDER THEREON - CV 11-1069 MEJ		