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5 Attorneys for Plaintiffs  
 DAREN HEATHERLY and IRMA RAMIREZ

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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,

13 Plaintiffs,

14 v.

15 MARISCO'S LA JAIBA; XU TRUONG and  
 AHN HOANG, TRUSTEES OF THE  
 16 TRUONG/HOANG FAMILY TRUST, U.D.T.  
 dated March 18, 1997; and MIGUEL PELAYO  
 17 MONTIEL, an individual dba MARISCO'S LA  
 JAIBA,

18 Defendants.  
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Case No.: CV 11-1069 MEJ

Unlimited Civil Matter

**SIXTH STIPULATION EXTENDING  
 TIME FOR DEFENDANT XU TRUONG  
 and ANH HOANG, TRUSTEES OF THE  
 TRUONG/HOANG FAMILY TRUST TO  
 RESPOND TO PLAINTIFFS'  
 COMPLAINT AND EXTENDING DATES  
 IN SCHEDULING ORDER; AND  
 [PROPOSED] ORDER THEREON**

20 Plaintiffs DARREN HEATHERLY AND IRMA RAMIREZ (hereinafter "Plaintiffs") and  
 21 Defendants MARISCO'S LA JAIBA (hereinafter "Marisco's"); XU TRUONG and ANH HOANG  
 22 (erroneously sued herein as AHN HOANG), TRUSTEES 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           3.       WHEREAS, the Court has entered five prior Orders extending the dates in the  
2 Scheduling Order based on Stipulations agreed to by the parties.

3           4.       WHEREAS, the Court's most recent order of August 11, 2011 extended the date in the  
4 Scheduling Order as follows:

5           Defendant Truong's response to the Complaint due September 12, 2011.

6           Parties to complete Initial Disclosures by September 12, 2011.

7           Parties to hold a joint inspection of the premises by September 19, 2011

8           Parties to meet and confer in person to discuss settlement by September 29, 2011.

9           Parties to file "Notice of Need for Mediation" by November 4, 2011.

10          5.       WHEREAS, on July 5, 2011, Defendant Truong made a written settlement offer to  
11 Plaintiffs.

12          6.       WHEREAS, on July 20, 2011, Plaintiffs made a written counteroffer for settlement to  
13 Defendant Truong.

14          7.       WHEREAS, on July 26, 2011, Defendant Truong replied with another offer of  
15 settlement.

16          8.       WHEREAS, on August 29, 2011, Plaintiffs made a written counteroffer for settlement  
17 to Defendant Truong.

18          9.       WHEREAS, during the week of September 5, 2011, counsel for Defendant Truong  
19 attempted to speak with Plaintiff's counsel to discuss settlement. Having been unable to speak  
20 directly with Plaintiff's counsel, on September 12, 2011, counsel for Defendant Truong faxed to  
21 Plaintiff's counsel a letter making a further settlement offer. Plaintiff's counsel was in mediation and  
22 unable to respond.

23          10.       WHEREAS, Defendant Truong and Plaintiffs continue to actively attempt to negotiate  
24 a settlement in the above-referenced case, and wish to reduce fees, costs and litigation expenses in  
25 doing so.

26          11.       WHEREAS, the parties believe it would be in the interests of efficiency and economy  
27 to extend the time for Defendant Truong to respond to Plaintiff's Complaint and to further extend for  
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1 14 days or until the next business day if the date falls on a Saturday, Sunday or Court holiday, the  
2 dates in the August 11, 2011 Order.

3 IT IS STIPULATED that:

- 4 1. Defendant Truong will have up to and including September 26, 2011 to respond to the  
5 Complaint;
- 6 2. The parties will complete initial disclosures by September 26, 2011;
- 7 3. The parties will hold a joint inspection of the premises by October 3, 2011;
- 8 4. The last day for the parties to meet and confer in person to discuss settlement is  
9 October 13, 2011;
- 10 5. The last day for Plaintiffs to file "Notice of Need for Mediation" is November 18,  
11 2011.

12 DATED: September 12, 2011

THOMAS E. FRANKOVICH,  
A Professional Law Corporation  
Attorneys for Plaintiffs  
DAREN HEATHERLY and IRMA RAMIREZ

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15 By:           /s/ Thomas E. Frankovich            
Thomas E. Frankovich

16 DATED: September 12, 2011

AARON & WILSON, LLP  
Attorneys for Defendants  
MARISCO'S LA JAIBA; MIGUEL PELAYO  
MONTIEL, an individual dba MARISCO'S LA  
JAIBA

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20 By:           /s/ Robert S. Aaron            
Robert S. Aaron

21 DATED: September 12, 2011

HATCHER & RUNDEL  
Attorneys for Defendants  
MARISCO'S LA JAIBA; MIGUEL PELAYO  
MONTIEL, an individual dba MARISCO'S LA  
JAIBA

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25 By:           /s/ William W. Hatcher, Jr.            
William W. Hatcher, Jr.

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DATED: September 12, 2011

SPAULDING McCULLOUGH & TANSIL LLP  
Attorneys for Defendants  
XU TRUONG and ANH HOANG, Trustees of the  
TRUONG/HOANG FAMILY TRUST, U.D.T. dated  
March 18, 1997 (erroneously sued herein as AHN  
HOANG)

By:                   /s/ Mary P. Derner                    
Mary P. Derner

**ORDER**

IT IS SO ORDERED that Defendant Truong will have up to and including September 26, 2011 to respond to the Complaint.

IT IS FURTHER ORDERED that the parties will complete initial disclosures by September 26, 2011;

IT IS FURTHER ORDERED that the parties will hold a joint inspection of the premises by October 3, 2011.

IT IS FURTHER ORDERED that the last day for the parties to meet and confer in person to discuss settlement is October 13, 2011;

IT IS FURTHER ORDERED that the last day for Plaintiffs to file "Notice of Need for Mediation" is November 18, 2011.

Dated: September 14, 2011

  
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THE HONORABLE MARIA-ELENA JAMES  
United States Magistrate Judge