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Attorneys for Plaintiffs
 DAREN HEATHERLY and IRMA RAMIREZ

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DAREN HEATHERLY and IRMA RAMIREZ,
 Plaintiffs,

v.

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

Case No.: CV 11-1069 MEJ
 Unlimited Civil Matter

**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**

Plaintiffs DARREN HEATHERLY AND IRMA RAMIREZ (hereinafter "Plaintiffs") and
 Defendants MARISCO'S LA JAIBA (hereinafter "Marisco's"); XU TRUONG and ANH HOANG
 (erroneously sued herein as AHN HOANG), TRUSTEES OF THE TRUONG/HOANG FAMILY
 TRUST, U.D.T. dated March 18, 1997 (hereinafter "Truong"); and MIGUEL PELAYO MONTIEL,
 an individual dba MARISCO'S LA JAIBA (hereinafter "Montiel"), by and through their respective
 counsel, respectfully request to make the following stipulation:

1. WHEREAS, all Defendants have been served with the Summons and Complaint; and
2. WHEREAS, Defendants Marisco's and Montiel have filed an Answer to the
 Complaint; and

1 3. WHEREAS, Defendant Truong was given an initial extension of time to respond to
2 the Complaint up to and including June 7, 2011; and

3 4. WHEREAS, Defendant Truong has requested additional time to respond to the
4 Complaint and Defendants have requested to extend the dates in the Scheduling Order; and

5 5. WHEREAS, Counsel for Defendant Truong has had a recent death in her family
6 which will require her time and attention; and

7 6. WHEREAS, Counsel for Defendants Marisco's and Montiel is caring for his wife who
8 recently sustained a significant injury from a fall and underwent surgery; and

9 7. WHEREAS, pursuant to the Scheduling Order, General Order 56 and F.R.C.P. Rule
10 26, the parties are to complete initial disclosures by June 8, 2011 and hold a joint inspection of the
11 premises by June 15, 2011; and

12 8. WHEREAS, the parties have agreed to extend for 30 days the time for Defendant
13 Truong to respond to the Complaint and the dates to complete initial disclosures and to hold a joint
14 inspection at the premises; and

15 9. WHEREAS, the parties agree that Defendant Truong will have up to and including
16 July 7, 2011 to respond to the Complaint; and

17 10. WHEREAS, the parties agree to complete initial disclosures by July 8, 2011 and hold
18 a joint inspection of the premises by July 15, 2011; and

19 11. WHEREAS, the parties agree that the dates in the Scheduling Order for the parties to
20 meet and confer in person to discuss settlement, and for Plaintiff to file "Notice of Need for
21 Mediation" will be calculated based on the new date of July 15, 2011 for the joint inspection of the
22 premises. Accordingly, the parties agree the last day to meet and confer in person to discuss
23 settlement is July 25, 2011 and the last day for Plaintiffs to file "Notice of Need for Mediation" is
24 August 29, 2011; and

25 12. WHEREAS, the parties are actively attempting to negotiate a settlement in the above-
26 referenced case, and wish to reduce fees, costs and litigation expenses in doing so; and
27
28

1 13. WHEREAS, the parties believe it would be in the interests of efficiency and economy
2 to extend the time for Defendant Truong to respond to Plaintiffs' Complaint and to extend the dates in
3 the Scheduling Order; and to allow time to negotiate an agreement; and

4 14. WHEREAS, Plaintiffs have agreed to grant additional time for Defendant Truong to
5 respond to Plaintiffs' Complaint and the parties have agreed to extend the dates in the Scheduling
6 Order issued by the Court.

7 IT IS STIPULATED that:

8 1. Defendant Truong will have up to and including July 7, 2011 to respond to the
9 Complaint; and

10 2. The parties will complete initial disclosures by July 8, 2011 and hold a joint inspection
11 of the premises by July 15, 2011; and

12 3. The last day for the parties to meet and confer in person to discuss settlement is
13 July 25, 2011, and the last day for Plaintiffs to file "Notice of Need for Mediation" is August 29,
14 2011.

15 DATED: June 3, 2011

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

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

19 DATED: June 3, 2011

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

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

24 DATED: June 3, 2011

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

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

1 DATED: June 3, 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)

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

8 **ORDER**

9 IT IS SO ORDERED that Defendant Truong will have up to and including July 7, 2011 to
10 respond to the Complaint.

11 IT IS FURTHER ORDERED that the parties will complete initial disclosures by July 8, 2011
12 and hold a joint inspection of the premises by July 15, 2011.

13 IT IS FURTHER ORDERED that the last day for the parties to meet and confer in person to
14 discuss settlement is July 25, 2011, and the last day for Plaintiffs to file "Notice of Need for
15 Mediation" is August 29, 2011.

16 Dated: June 6, 2011


THE HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge