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PUNTO OMEGA S.A. DE C.V.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 PUNTO OMEGA S.A. DE C.V., a Mexican
corporation,

12 Plaintiff,

13 vs.

14 JUAN ROBERTO BRITTINGHAM-
15 AGUIRRE a/k/a JOHN ROBERT
BRITTINGHAM-AGUIRRE, an individual,

16 Defendant.

CASE NO. 08-CV-03190-PJH

STIPULATION AND [PROPOSED]
ORDER

Judge: Hon. Phyllis J. Hamilton

17 The parties stipulate as follows:

18
19 (1) To stay proceedings in this action (the "Stay") until a currently pending collateral
20 attack on the judgment in Mexico has been resolved. The parties estimate that a determination
21 by the Mexican Court of issues raised by the collateral attack will take six months.

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23 (2) Plaintiff's motion for recognition of foreign judgment ("Plaintiff's Motion") and
24 defendant's motion to dismiss the first amended complaint ("Defendant's Motion"), both
25 currently scheduled for hearing before this Court on November 26, 2008, at 9:00 a.m, are to be
26 withdrawn.
~~taken off calendar.~~

27 (3) The Initial Case Management Conference set for December 11, 2008, and the Joint
28 Case Management Statement due on December 4, 2008, are to be taken off calendar.

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1 A case management conference shall be held on February 11, 2009, or as soon thereafter
2 as the Court may set the date, the purpose of which will be to update the Court on the status of
3 proceedings in Mexico. No Joint Case Management Statement shall be required.

4 (4) Upon conclusion of proceedings currently under way in Mexico, either party shall
5 notify the Court of the result and the Stay will be dissolved. Upon dissolution of the Stay, either
6 party may re-calendar the hearing on its motion by filing with the Court and serving on the other
7 party a notice of its motion with the new hearing date. Any further briefing related to Plaintiff's
8 Motion or Defendant's Motion shall be filed and served in accordance with rules of this Court.

9 The parties further stipulate that good cause exists, as detailed in the Declaration of
10 Phillip K. Wang, for entry of a Stay of these proceedings.

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12 IT IS SO STIPULATED.

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14 Dated: November 12, 2008

GORDON & REES LLP

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By: /s/ Phillip K. Wang
Phillip K. Wang
Attorneys for Plaintiff
Punto Omega S.A. de C.V.

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19 Dated: November 12, 2008

LAW OFFICES OF MATTANIAH EYTAN

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By: /s/ Mattaniah Eytan
Mattaniah Eytan
Attorneys for Defendant
Juan Roberto Brittingham-Aguirre

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24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: November 13, 2008 A JOINT STATUS STATEMENT TO BE FILED EVERY 90
DAYS.

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THE HONORABLE  HAMILTON

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STIPULATION AND [PROPOSED] ORDER



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