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5 Attorneys for Plaintiff IRMA RAMIREZ

6 **UNITED STATES DISTRICT COURT**
 7 **NORTHERN DISTRICT OF CALIFORNIA**
 8

9 IRMA RAMIREZ, an individual,)
 10 Plaintiff,)
 11 v.)
 12 BILINGUAL BROADCASTING)
 13 FOUNDATION, INC., a California)
 14 Corporation dba KBBF 89.1 FM RADIO,)
 15 Defendants.)
 16 _____)

CASE NO. CV-10-3145-LB
PLAINTIFFS' EX PARTE REQUEST
FOR A STATUS CONFERENCE AND
~~**[PROPOSED] ORDER SETTING A**~~
STATUS CONFERENCE

17 I, Thomas E. Frankovich, declare that I am an attorney duly licensed to
 18 practice in all the courts in the state of California and if called as a witness and
 19 duly sworn, I would and could competently testify to the following based upon my
 20 own personal knowledge:

21 1. In March of 2011, the parties reached a settlement of all issues
 22 present through plaintiff's complaint herein, On March 11, 2011 notified this
 23 Court of the settlement reached between the parties.

24 2. On March 9, 2011, plaintiff's counsel faxed the proposed
 25 Mutual Settlement Agreement (hereinafter "Agreement") to defendants' counsel
 26 for review and comment.

27 3. On March 10, 2011, The court clerk requested we provide the court
 28 something stating the status of settlement.

PLAINTIFFS' EX PARTE REQUEST FOR A STATUS CONFERENCE

1 4. On March 11, 2011 plaintiff filed a Notice of Settlement.

2 5. On April 5, 2011 plaintiff faxed the executed Agreement signed by
3 IRMA RAMIREZ on March 17, 2011 to defendants' counsel to include the
4 Stipulation For Entry of Judgment for signature.

5 6. On May 4, 2011 BILINGUAL BROADCASTING FOUNDATION, INC., a
6 California Corporation dba KBBF 89.1 FM RADIO sent the fist settlement payment but
7 did not send the signed Agreement or Stipulation for Entry of Judgment .

8 7. On June 1, 2011 and July 1, 2011 plaintiff did not receive the
9 settlement payments, Agreement or Stipulation for Entry of Judgment .

10 8. On July 20, 2011 Pepper Maupin, our office manager spoke with Ms.
11 Palandati and inquired why we had not received either the signed Agreement,
12 Stipulation For Entry of Judgment or payments. Ms. Palamdati instructed Ms.
13 Maupin to resend via fax the documents and she would resolve the issue as her
14 clients were to send them with the first payment. Ms. Maupin faxed the
15 Agreement and Stipulation to defense counsel Ms. Palandati.

16 9. On August 23, 2011 my office manager Pepper Maupin left a voice
17 mail and message with Ms. Palandati's assistant and followed up by another email
18 to Ms. Palandati from my office stating the issue had not been resolved.

19 10. To date September 6, 2011 defense counsel has not responded to
20 phone calls or emails. However, today we received a second payment from
21 BILINGUAL BROADCASTING FOUNDATION, INC., a California Corporation dba KBBF
22 89.1 FM RADIO, but no signed Agreement or Stipulation For Entry of Judgment

23 11. As a result of counsel's failure to communicate with plaintiff's
24 counsel, the settlement remains unconsummated.

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1 12. If BILINGUAL BROADCASTING FOUNDATION, INC., a California
2 Corporation dba KBBF 89.1 FM RADIO, executes the Settlement Agreement and
3 Stipulation For Entry of Judgment as agreed to plaintiff can then file a dismissal.
4 Thus, the plaintiff requests that this case be reactivated and that a status
5 conference or order to show cause be set.

6 13. Thomas E. Frankovich, attorney for plaintiff IRMA RAMIREZ will be
7 out of the country and unavailable from October 3, 2011 through October 31,
8 2011. A Court date is requested after November 5, 2011.

9 Respectfully submitted,

10 DATED: _____, 2011

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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14 By: _____
15 Thomas E. Frankovich
16 Attorneys for Plaintiff IRMA RAMIREZ

17 ~~**PROPOSED ORDER**~~

18 IT IS HEREBY ORDERED that plaintiffs' Ex Parte Request for a Status
19 Conference or Order To Show Cause is hereby granted.

20 IT IS FURTHER ORDERED THAT a status conference is hereby set for
21 **November 17** _____, 2011 at ~~11:30 a.m.~~ **10:30 a.m.**

22 Or

23 ~~IT IS FURTHER ORDERED THAT defendant BILINGUAL BROADCASTING~~
24 ~~FOUNDATION, INC., a California Corporation dba KBBF 89.1 FM RADIO show cause as to why~~
25 ~~settlement documents have not been executed. The Order To Show Cause is hereby~~
26 ~~set for _____, 2011 at 11:30 a.m. It is also Ordered that~~

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PLAINTIFFS' EX PARTE REQUEST FOR A STATUS CONFERENCE

1 ~~a declaration on behalf of BILINGUAL BROADCASTING FOUNDATION, INC., a California~~
2 ~~Corporation dba KBBF 89.1 FM RADIO relative to the settlement be filed _____ days~~
3 ~~before this hearing.~~ **The parties shall submit a joint status report by November 10, 2011.**

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5 Dated: September 27, 2011


Magistrate Judge Laurel Beeler
UNITED STATES DISTRICT JUDGE

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