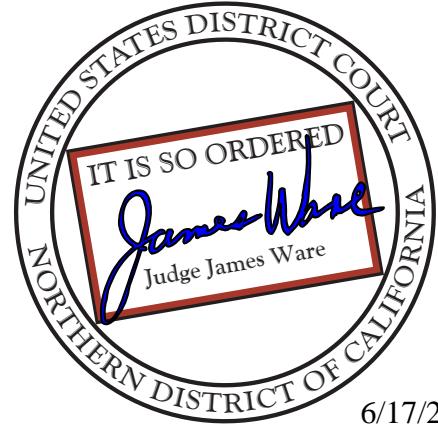


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6/17/2010

6 **ATTORNEYS FOR** Defendant
 7 **JETBLUE AIRWAYS CORPORATION**

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 PATRICE MORSE,

No. C 09-2036 JW

12 Plaintiff,

JOINT RESPONSE TO OSC RE
SETTLEMENT

13 vs.

14 JETBLUE AIRWAYS CORPORATION,
 15 and DOES 1 through 50, inclusive,

Date: June 21, 2010
 Time: 9:00 a.m.
 Courtroom: 8

16 Defendants.

Honorable James Ware
 United States District Judge

17 _____ /
 18 Plaintiff PATRICE MORSE and defendant JETBLUE AIRWAYS CORPORATION
 19 respectfully submit the following joint response to the Court's Order to Show Case Re: Settlement
 20 (Doc. 20).

21 **RESPONSE TO OSC RE: SETTLEMENT**

22 On May 5, 2010, the parties participated in an early settlement conference over which
 23 Magistrate Judge Elizabeth D. Laporte presided. The case was settled at the conclusion of that
 24 settlement conference. (See Doc. 19).

25 However, as an express condition of the settlement, and as stated on the record memorializing
 26 the settlement, it was agreed that defendant would have to and including **July 13, 2010** within which
 27 to collect, and then disburse to plaintiff, the settlement funds; once disbursed, it was agreed the
 28 parties would file a stipulated dismissal with prejudice pursuant to Federal Rule of Civil Procedure
 41(a).

Joint Response to OSC Re: Settlement
 C 09-2036 JW

1 At present, defendant's claims lead continues to be in the process of collecting the settlement
2 funds from the participating co-insurers and fully expects to fulfil its agreement to provide plaintiff's
3 counsel with the settlement check on or before the agreed date of July 13, 2010. Because of the need
4 to complete this process, the parties are not in a position to file a stipulated dismissal pursuant to
5 Federal Rule of Civil Procedure 41(a) on June 11, 2010 as requested in the Court's order to show
6 cause re: settlement. (Doc. 20).

7 For these reasons, the parties respectfully request that:

8 (1) the deadline for the filing of a stipulated dismissal pursuant to Federal Rule of Civil
9 Procedure 41(a) be continued to and including July 13, 2010, and

10 (2) solely if the stipulation for dismissal is not timely filed, the date for the parties to appear
11 to show cause why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b), be continued
12 to July 19, 2010 at 9:00 a.m. in Courtroom No. 8, 4th Floor, United States District Court, 280 South
13 First Street, San Jose, California.

14 Dated: June 11, 2010

LAW OFFICE OF ARKADY ITKIN

15 /s/ *Arkady Itkin*

16 By: _____
17 Arkady Itkin
18 Attorneys for Plaintiff
Patrice Morse

19 Dated: June 11, 2010

CODDINGTON, HICKS & DANFORTH

20 /s/ *Richard G. Grotch*

21 By: _____
22 Richard G. Grotch
23 Attorneys for Defendant
24 JetBlue Airways Corporation