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UNITED STATES DISTRICT COURT

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Northern District of California

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San Francisco Division

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PATRICK COLLINS, INC.,

No. C 11-2766 MEJ

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Plaintiff,

**EX PARTE APPLICATION FOR  
AMENDMENT TO ORDER RE  
JURISDICTION**

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v.

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DOES 1-2,590,

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Defendants.

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On December 7, 2011, the Court issued its Order Re Jurisdiction (Dkt. No. 77.)

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Pursuant to the Court's Order, Plaintiff has stopped sending settlement proposals to Doe

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Defendants in the above-identified case.

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However, the last two sentences of that Order currently provide,

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"As to any Doe Defendants to whom Plaintiff has already sent a settlement demand letter, the Court ORDERS Plaintiff to provide a copy of this Order to said Doe Defendants by December 14, 2011, and inform them in a cover letter that they need not comply with the demand letter, pending resolution of the jurisdiction and venue issues addressed herein. Any settlement reached on or after the date of this Order will not be effective."

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Plaintiff submits that with respect to Doe Defendants that have already settled, those last two sentences and the letter described therein may cause confusion and would not be productive.

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Further, Doe Defendants may still desire to settle because, even if they were dismissed from this suit, they would still be subject to a suit in this or another venue.

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1 Plaintiff does understand the Court's desire that its Order and a cover letter be sent to  
2 those Doe Defendants that have been sent proposals for settlement who have not yet settled their  
3 cases. Therefore, Plaintiff requests that the last two sentences of the Court's Order Re  
4 Jurisdiction be replaced with the following:

5 "As to any Doe Defendants to whom Plaintiff has already sent a settlement  
6 demand letter who have not signed a settlement agreement before December 7,  
7 2011, the Court ORDERS Plaintiff to provide a copy of this Order to said Doe  
8 Defendants by December 14, 2011, and inform them in a cover letter as follows:

9 'Notice of Court Order Regarding Pending Jurisdiction and Venue  
10 Issues

11 'Case Name: Patrick Collins v. Does 1-2,590, Case No. CV 11-2766

12 To: \_\_\_\_\_

13 'A letter offering you an opportunity to settle your alleged liability  
14 in connection with the above-identified case was previously sent to  
15 you.

16 'Since then, the Court in this case has issued an Order regarding its  
17 concern regarding jurisdiction and venue issues. A copy of that Order  
18 is included with this letter. A number of Doe defendants, perhaps  
19 including you, may be dismissed without prejudice from this case.  
20 Until the Court decides those jurisdiction and venue issues or until the  
21 Doe number associated with you is dismissed without prejudice from  
22 this case, whichever occurs first, you are not required to do anything.

23 'However, you may still determine that it is in your best interests to  
24 resolve this matter by settlement now. You, of course, may consult  
25 with your own attorney.

26 'In any event, if you decide that you do not want to settle at this  
27 time, we repeat that you are not required to do anything until the Court  
28 decides those jurisdiction and venue issues or until the Doe number  
associated with you is dismissed without prejudice from this case,  
whichever occurs first.'

Very truly yours,

29 Until the earlier of this Court's issuing its order detailing how this case shall  
30 proceed or the dismissal of a particular Doe Defendant from this case without  
31 prejudice, any settlement agreement signed by or on behalf of such a Doe  
32 Defendant on or after December 7, 2011 will not be effective unless Plaintiff has  
33 written evidence that a copy of this Order and the above-described cover letter  
34 had been provided to that Doe Defendant prior to a settlement agreement's being  
35 signed by or on behalf of such Doe Defendant."

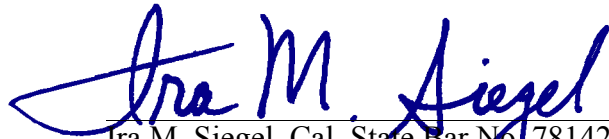
36 Plaintiff submits that the proposed amendment maintains the spirit of the Court's original  
37 Order (i.e., a Doe Defendant would be notified that he, she or it is not required to do anything if  
38 he, she or it does not want to settle prior to a resolution of the jurisdiction and venue issues by  
way of a decision by the Court or a dismissal without prejudice from this case), while settlements  
by those Doe Defendants desiring to resolve the claims against them may still be accomplished.

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A Proposed Amended Order Re: Jurisdiction is submitted herewith.

In view of the foregoing, Plaintiff requests that the Court grant this Ex Parte Application and, pending further consideration of the jurisdiction and venue issues, issue the Amended Order Re Jurisdiction as submitted herewith.

Respectfully submitted,



Dated: December 7, 2011

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