

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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CIVIL MINUTES - GENERAL

Case No. CV 00-8913 FMC(AIJx)

Date: May 9, 2001

Title: MARIA V. ALTMANN v REPUBLIC OF AUSTRIA, et al.

PRESENT: THE HONORABLE FLORENCE-MARIE COOPER, JUDGE

Alicia Mason
Courtroom Clerk

Not present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

Not present

Not present

PROCEEDINGS: (In Chambers) ORDER ON DEFENDANT'S REQUEST FOR CLARIFICATION; ORDER AMENDING MAY 4, 2001 ORDER DENYING MOTION TO DISMISS

On May 8, 2001, Defendants filed a Request for Clarification of the Court's May 4, 2001, Order Denying Defendants' Motion to Dismiss. Defendants correctly note that the Court cited the incorrect statutory provision when it certified the issues of forum nonconveniens, joinder, and venue for interlocutory appeal. Specifically, the Court certified these issues for interlocutory appeal pursuant to 28 U.S.C. 1291; however, the statutory provision that should have been cited is 28 U.S.C. 1292(b). Accordingly, the final section, Section IX, of the Court's May 4, 2001, Order Denying Defendant's Motion to Dismiss is hereby amended to read:

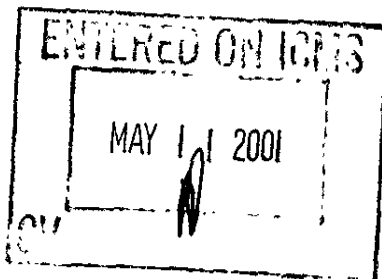
IX. Conclusion

For the reasons stated herein, Defendant's Motion to Dismiss is DENIED.

Plaintiff is hereby GRANTED fifteen (15) days' leave to amend the Complaint to set forth the basis for venue pursuant to 1391(f)(3).

The portion of this Order holding that the Court has subject matter jurisdiction because Austria is not entitled to sovereign immunity is immediately appealable pursuant to the collateral order doctrine. *Compania Mexicana de Aviacion, S.A. v. United States*, 859 F.2d 1354 (9th Cir. 1988). For this reason, the Court hereby certifies the remaining portions of this Order for interlocutory appeal pursuant to 28 U.S.C. 1292(b).

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