

Charles K. Manock #161633
Sherrie M. Flynn #240215

BAKER MANOCK & JENSEN, PC
FIG GARDEN FINANCIAL CENTER
5260 NORTH PALM AVENUE, FOURTH FLOOR
FRESNO, CALIFORNIA 93704-2209
TELEPHONE (559) 432-5400
TELECOPIER (559) 432-5620

Plaintiff DAIRYAMERICA, INC.

Attorneys for

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAIRYAMERICA, INC.,

Plaintiff,

v.

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY; CRUMP
INSURANCE SERVICES d.b.a. SOUTHERN
MARINE & AVIATION UNDERWRITERS;
ARTHUR J. GALLAGHER & CO.; and
HARTFORD CASUALTY INSURANCE
COMPANY; and DOES 1 through 75

Defendants.

Case No.: 1:07-CV-00537-LJO-SMS

**JOINT STIPULATION AND
[PROPOSED] ORDER TO TAKE
DEPOSITION OF CROWLEY
MARITIME CORPORATION BY
VIDEO CONFERENCE**

JUDGE: Hon. Lawrence J. O'Neill
ACTION FILED: February 16, 2007
TRIAL DATE: April 13, 2009

Pursuant to the Federal Rules of Civil Procedure, Rule 30(b)(4), and Eastern District Local Rules, Rule 83-143, Plaintiff and Defendants by and through their counsel of record, do hereby STIPULATE AND AGREE AS FOLLOWS:

1. Plaintiff may take all or a portion of the deposition of Crowley Maritime Corporation, currently scheduled to begin on April 20, 2009, at 11:00 a.m. at Balch & Bingham LLP, 1310 Twenty Fifth Avenue, Gulport, Mississippi 39501, by video conference.

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. The court reporter will be in the presence of the deponent.

3. The deposition testimony, and any videotape thereof, may be used at trial or any other hearing as if the deposition had been taken pursuant to all applicable provisions of the Federal Rules of Civil Procedure, and the local rules of the Eastern District of California, and parties to this action hereby waive any and all defects relating to procedure and notice.

4. The parties hereby agree that video conference is the most economical method for obtaining the testimony and that this constitutes good cause for taking the deposition in this manner.

5. The parties agree that the deponent or deponents from Crowley Maritime Corporation are hereby deemed unavailable for trial.

All parties that have appeared in this action, through their counsel of record, have signed below, indicating their agreement to this stipulation.

DATED: March 31, 2009

BAKER MANOCK & JENSEN, PC

By: /s/ Sherrie M. Flynn
Charles K. Manock
Sherrie M. Flynn
Attorneys for Plaintiff
DAIRY AMERICA, INC.

DATED: March 30, 2009

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER

By: /s/ Michael Bolechowski
Michael Bolechowski
Attorneys for Defendants
NEW YORK MARINE AND GENERAL
INSURANCE COMPANY and
SOUTHERN MARINE & AVIATION
UNDERWRITERS, INC.

///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: March 30, 2009

SNYDER LAW, A PROFESSIONAL CORPORATION

By: /s/ Barry Clifford Snyder
Barry Clifford Snyder
Ashley Ann Doris
Attorneys for Defendant
ARTHUR J. GALLAGHER & CO.

DATED: March 31, 2009

CANNON & NELMS

By: /s/ Robert W. Nelms
Robert W. Nelms
Attorneys for Defendant
HARTFORD CASUALTY INSURANCE COMPANY

PURSUANT TO THIS STIPULATION,

IT IS SO ORDERED.

Dated: April 1, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE