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10 Brusco Tug and Barge and The Dutra Group

11 **E-Filing**
12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14 JOHN D. HIGGINS, JR.,)
15)
16 Plaintiff,)
17 v.)
18 BRUSCO TUG AND BARGE AND THE)
19 DUTRA GROUP,)
20 Defendants.)
21 _____)

Case No.: 2:08-CV-02300-WBS-KJN

**JOINT STIPULATION TO
EXTEND DISCOVERY CUT-OFF
DATE AND ORDER**

22 WHEREAS the Parties have disclosed expert witnesses and scheduled some
23 depositions of those experts, three doctors who are named experts, Dr. Michael Sutro, Dr.
24 Bernard Rappaport, defense experts, and Dr. Samuel Benson, an expert for the Plaintiff, are
25 unable to have their depositions taken before the discovery cut-off date of May 1, 2010. In
26 addition the depositions of Dr. Rinzler and Dr. Pantazis were commenced on April 26, 2010
27 but cut short due to scheduling conflicts on behalf of the doctors.

28 The Parties request and hereby stipulate to an extension of the discovery cut-off date
from May 1, 2010 up to and including May 21, 2010 in order to complete the
aforementioned discovery in this matter as well as any other expert depositions commenced
prior to May 1, 2010 but which are unable to be completed prior to that date. Currently the
case is set for a Pre-Trial Conference on June 14, 2010 and is set for a Trial on July 20,
2010. This is a maritime case wherein the Plaintiff, JOHN HIGGINS, a resident of Walnut

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NAV.Higgins/2675

1 Grove, California, living on a houseboat called the JAMIE LYNN docked at Deckhand's
2 Marine Center, Inc. in Walnut Grove, California on the Sacramento River, was injured
3 when a barge named "THE OAKLAND," owned by Defendant BRUSCO TUG AND
4 BARGE, INC. a Washington Corporation, located in Longview, Washington and DUTRA
5 MATERIALS, erroneously named DUTRA GROUP, a California corporation located in
6 San Rafael, California collided on October 3, 2006, into plaintiff's houseboat which was
7 docked at Deckhand's Marina.

8 DATED: April 29, 2010

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP

9 Attorneys for Defendants

Brusco Tug and Barge and The Dutra Group

11 By /s/
12 Richard C. Wootton

13
14 DATED: April 29, 2010

LAW OFFICES OF DANIEL RAY BACON

15 Attorneys for Plaintiff

John D. Higgins, Jr.

17 By /s/
18 Daniel Ray Bacon

19 **ORDER**

20 Pursuant to the stipulation of the Parties in this action, through the respective
21 counsel for the parties,

22 IT IS ORDERED that the Discovery cut-off dated is extended from **May 1, 2010 to**
23 **May 21, 2010** for the completion of the depositions of Drs Sutro, Rappaport, Benson,
24 Rinzler, and Pantazis, as well as any other expert depositions commenced prior to May 1,
25 2010, but which are unable to be completed prior to that date **Completion means that all**
26 **depositions have been taken and any disputes relevant to those depositions shall have**

27 ///
28 ///

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been resolved by appropriate order, if necessary and, where discovery has been ordered, the order has been obeyed.

DATED: April 29, 2010

/s/ Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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