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 7 SK SHIPPING CO., LTD.

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

11	KTB OIL CORPORATION,)	Case No. 12-cv-1834-MCE-KJN
)	
12)	STIPULATION FOR EXTENSION OF
	Plaintiff,)	TIME TO FILE A RESPONSE TO THE
13	vs.)	COMPLAINT; ORDER
)	
14	M/V CIELO DI TOKYO,)	
)	
15)	
	Defendant.)	
)	

17 IT IS HEREBY STIPULATED AND REQUESTED BY THE PARTIES that
 18 Specially-Appearing Party, SK SHIPPING CO., LTD. (“SK Shipping”) be granted a
 19 thirty (30) day extension by which to respond to the Complaint filed by Plaintiff KTB
 20 OIL CORPORATION (“Plaintiff”) on the following grounds:

21 1. On July 11, 2012 , Plaintiff commenced this immediate Action
 22 claiming damages in the amount of US\$158,766.16 and seeking a warrant for arrest of
 23 SK Shipping’s vessel, *M/V CIELO DI TOKYO* (“Vessel”) in the Eastern District of
 24 California;

25 2. On July 12, 2012, the Vessel was arrested pursuant to the Court’s
 26 warrant for arrest while at the Port of Stockton, California.

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1 3. On July 13, 2012, the parties entered an Escrow Agreement by which
2 SK Shipping deposited US\$215,000.00 in the Court's Registry, allowing for the
3 immediate release of the Vessel.

4 4. The parties are currently engaging in informal discovery in an effort
5 to resolve this matter without the aid of the Court. The Plaintiff has requested certain
6 documentation, which will be necessary to achieve a commercial resolution of this
7 matter, from the physical supplier of the fuel oil in New Jersey. Upon receipt of those
8 documents, the parties will continue to negotiate settlement.

9 5. SK Shipping, however, is required to respond to the Complaint by
10 September 7, 2012.

11 6. Whereas, good cause exists to extend SK Shipping's time to respond
12 to the Complaint as the parties are actively negotiating a resolution of this lawsuit.
13 Such an extension would allow the parties further time to locate and exchange essential
14 evidence regarding the bunker fuel and allow the parties to continue settlement
15 negotiations rather than engage in lengthy and expensive motion practice by which SK
16 Shipping intends to challenge the propriety of the arrest of the Vessel and counterclaim
17 against KTB for damages arising from the delivery of off-spec bunkers to the ship.
18 Accordingly, the parties agree that the interests of judicial economy would be served by
19 extending SK Shipping's time to respond to Plaintiff's Complaint by thirty (30) days.

20 Based on the foregoing, the parties have agreed to and request a Court
21 Order for an extension to **October 5, 2012** by which SK Shipping must respond to the
22 Complaint.

23
24 DATED: September 6, 2012

/s/ Jennifer M. Porter
JOHN D. GIFFIN
JENNIFER M. PORTER
KEESAL, YOUNG & LOGAN
Attorneys For Specially Appearing Party
SK Shipping Co., Ltd.


1 DATED: September 6, 2012

/ s/ Daniel Berberich
BRADLEY M. ROSE
DANIEL BERBERICH
KAYE ROSE & PARTNERS, LLP
For itself and on behalf of
KTB OIL CORPORATION

6 **ORDER**

7 IT IS SO ORDERED.

9 Dated: September 10, 2012

10 
MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE