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13 Attorneys for Plaintiffs  
 ELIZABETH KOWAL and CONSTANTINE PHILIPIDES

15 UNITED STATES DISTRICT COURT  
 16 EASTERN DISTRICT OF CALIFORNIA  
 17 SACRAMENTO DIVISION

19 ELIZABETH KOWAL, CONSTANTINE  
 PHILIPIDES,

20 Plaintiffs,

21 v.

22 ACTION WATERSPORTS OF INCLINE  
 23 VILLAGE, LLC; DOES 1 through 50,  
 inclusive,

24 Defendants.  
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Case No. 2:17-cv-01469-JAM-DB

**STIPULATION TO CONTINUE CASE  
 DEADLINES AND TRIAL DATE**

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1 Plaintiffs ELIZABETH KOWAL and CONSTANTINE PHILIPIDES (“Plaintiffs”) and  
2 Defendant ACTION WATERSPORTS OF INCLINE VILLAGE, LLC (“Defendant”),  
3 (collectively, “the Parties”) jointly stipulate and respectfully request the Court to continue the case  
4 deadlines and trial date set through the Status (Pre-Trial Scheduling) Order of February 2, 2018,  
5 for the following reasons.

6 1. Plaintiffs filed the present action on July 14, 2017.

7 2. Defendant filed its Answer to the Complaint on November 1, 2017.

8 3. On February 2, 2018, the Court issued its Status (Pre-Trial Scheduling) Order  
9 setting forth, *inter alia*, the dates for completion of discovery, motion practice and trial of the  
10 instant matter. (Doc. 8).

11 4. The Parties now stipulate and respectfully request that these deadlines, including  
12 the trial date, be modified as follows:

<b>Event</b>	<b>Current Date</b>	<b>Stipulated Proposed New Date</b>
Discovery Cut-Off	March 15, 2019	June 21, 2019
Expert Disclosures	January 11, 2019	July 12, 2019
Supplemental Disclosure of Expert Witnesses	January 25, 2019	July 26, 2019
Dispositive Motion Filing Deadline	April 23, 2019	August 12, 2019
Dispositive Motion Hearing Deadline	May 21, 2019	September 17, 2019
Final Pre-Trial Conference	June 28, 2019	November 13, 2019
Trial Date	August 5, 2019	December 9, 2019

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25 5. Good cause exists for the Court to grant the requested relief because despite the  
26 Parties’ diligent efforts to adhere to the case schedule as initially ordered, unforeseen  
27 developments outside the Parties’ control are expected to interfere with the existing litigation  
28 deadlines. The Parties are working together resolve the matter through mediation, and contacted a

1 mutually acceptable neutral, Chris Lavdiotis, to schedule a mediation session in early 2019. Given  
2 the underlying legal and factual issues of this case and the amount of Plaintiffs' claimed damages,  
3 the Parties agree that a full-day mediation is necessary in order to meaningfully discuss these  
4 matters and hopefully resolve their differences. Nevertheless, on or around December 12, 2018,  
5 the Parties were informed that Mr. Lavdiotis has no availability for a full day mediation before  
6 March 2019. Accordingly, the Parties are in the process of scheduling the mediation for March 6,  
7 2019. The deadlines to complete expert disclosures precede this mediation date, and the deadline  
8 to complete discovery is less than ten days thereafter.

9           6.       The requested new deadlines and trial date will give the Parties the opportunity to  
10 focus on resolving their differences through the March mediation before incurring the time and  
11 expense of engaging and disclosing expert witnesses, and will further give them sufficient time to  
12 complete fact and expert discovery and resolve discovery disputes, if any, should the matter not  
13 settle in March.

14           7.       In view of this requested continuance of the deadlines to complete discovery, the  
15 Parties respectfully request that the Court also continue the deadlines to file and hear case  
16 dispositive motions, as the dates currently set for such motions precede the proposed new dates for  
17 close of discovery.

18           8.       Given that this case is an admiralty and maritime matter, the proposed continued  
19 trial and pre-trial dates will also allow the Parties sufficient time to meet and confer prior to filing  
20 any motions on the issue of limitation of Defendant's liability and the potential bifurcation of  
21 liability from limitation issues and/or alteration of normal trial procedures. The new case schedule  
22 will provide the Parties with further opportunity to engage in settlement discussions before  
23 incurring the expense of such anticipated pre-trial motions and cost of a potentially phased trial.

24           9.       Good cause further exists for the requested relief because lead trial counsel for  
25 Defendant, Marker Lovell, Jr., will be unavailable in the weeks leading up to the current trial date  
26 of August 5, 2019, due to a pro bono engagement. Mr. Lovell has been appointed President of the  
27 Orinda-Moraga Pools Association (OMPA), a local non-profit organization dedicated to the  
28 promotion of Contra Costa County's recreational swimming teams. In his capacity as OMPA

1 President, Mr. Lovell is responsible for organizing and overseeing the 2019 OMPA Championship  
2 Meet, which is scheduled to take place on August 2-4, 2019. Such responsibilities are expected to  
3 interfere with lead trial counsel's ability to effectively participate in trial preparation of this matter,  
4 including drafting and arguing pre-trial motions, as well as his ability to appear before the Court  
5 on the current trial start date of August 5, 2019.

6 10. This is the first request for continuance submitted by the Parties in this case.

7 NOW, THEREFORE, for the foregoing reasons, the Parties respectfully request that the  
8 Court grant this Stipulation and continue the case deadlines and trial date previously set by the  
9 Court's Scheduling Order (Doc. 8) as herein set forth.

10 Undersigned counsel for Defendant, Marker E. Lovell, Jr., certifies that all electronic  
11 signatures below have been duly authorized by signatory counsel per Local Rule 131(e).

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Respectfully submitted,

Dated: January 4, 2019

GIBSON ROBB & LINDH LLP

By: /s/ MARKER E. LOVELL, JR.

Marker E. Lovell, Jr.  
mlovell@gibsonrobb.com  
Attorneys for Defendant  
ACTION WATERSPORTS OF  
INCLINE VILLAGE, LLC

Dated: January 4, 2019

BOLD, POLISNER, MADDOW, NELSON  
& JUDSON

By: /s/ SHARON NAGLE

Sharon M. Nagle  
snagle@bpmnj.com  
Attorneys for Plaintiffs  
ELIZABETH KOWAL and  
CONSTANTINE PHILIPIDES

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**ORDER (AS MODIFIED BY THE COURT)**

Having reviewed the stipulation above of Plaintiffs ELIZABETH KOWAL and CONSTANTINE PHILIPIDES and Defendant ACTION WATERSPORTS OF INCLINE VILLAGE, LLC, IT IS HEREBY ORDERED:

The case deadlines listed in the Status (Pre-Trial Scheduling) Order dated February 2, 2018, (Doc. 8) shall be amended as follows:

<b>Event</b>	<b>Current Date</b>	<b>Stipulated Proposed New Date</b>
Discovery Cut-Off	March 15, 2019	June 21, 2019
Expert Disclosures	January 11, 2019	July 12, 2019
Supplemental Disclosure of Expert Witnesses	January 25, 2019	July 26, 2019
Dispositive Motion Filing Deadline	April 23, 2019	August 27, 2019
Dispositive Motion Hearing Deadline	May 21, 2019	September 24, 2019 at 1:30 p.m.
Final Pre-Trial Conference	June 28, 2019	November 1, 2019 at 11:00 a.m.
Trial Date	August 5, 2019	December 9, 2019 at 9:00 a.m.

**IT IS SO ORDERED.**

Dated: 1/4/2019

/s/ John A. Mendez  
Hon. John A. Mendez  
United States District Court Judge