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Attorneys for
Defendants
STAM SHIPPING SA
and
ACER MARITIME, INC.,

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SONIA MOUNTJOY)	Case No.: 2:18-CV-00075-TLN-JDP
)	
Plaintiff,)	STIPULATION AND ORDER
vs.)	REGARDING MEDIATION, TRIAL
)	PRESERVATION DEPOSITIONS AND
STAM SHIPPING SA; ACER MARITIME,)	EXPERT DISCOVERY
INC., in personam; M/V CASSIOPEIA STAR,)	
her engines, tackle, furniture, apparel, etc., in)	
rem; DOES 1-10)	
)	
Defendants.)	
)	
)	
)	

1 Plaintiff SONIA MOUNTJOY and Defendants STAM SHIPPING SA and ACER
2 MARITIME, INC. (the “Parties”) hereby submit their Stipulation and Proposed Order Regarding
3 Mediation, Trial Preservation Depositions and Expert Discovery and as follows:

4 WHEREAS the parties have filed their Joint Notice of Trial Readiness herewith, and have
5 requested a trial date in December, 2021 or starting in or after March 2022; and
6

7 WHEREAS the parties have completed written discovery, percipient discovery depositions
8 (including the deposition of Plaintiff and her supervisor), and an IME of Plaintiff; and

9 WHEREAS the parties are prepared to participate in and are currently working to schedule a
10 “global” mediation with the parties herein, and the parties to a companion worker’s compensation
11 claim being prosecuted by Plaintiff under the Longshore and Harbor Workers Compensation Act
12 (the “LHWCA); and
13

14 WHEREAS the statutory right of the employer in a LHWCA compensation claim to recover
15 its lien for past benefits paid (currently exceeding \$600,000 in the present action) from any recovery
16 from any third party, and its right to grant or withhold its consent to any settlement of any third-
17 party civil actions under the LHWCA, make it critical in such cases that the parties to both cases
18 participate in any mediation or other settlement process; and
19

20 WHEREAS counsel for the employer in the LHWCA compensation case have only very
21 recently advised the parties herein of their readiness to participate in a global mediation; and
22

23 WHEREAS Plaintiff had a multi-level cervical spinal fusion at UCSF Medical Center on
24 November 27, 2019, underwent over a year of post-surgical complications and therapies, and has
25 only recently become permanent and stationary (as related to her ability to return to her career in the
26 longshore trade); and
27
28

1 WHEREAS the Parties have identified the few maritime worker witnesses who need to have
2 their testimony preserved for trial (one or two foreign crew members and one or two longshore
3 witness, at least one of whom has moved out of the state of California), and the parties agree the
4 preservation of this witness testimony could likely be completed within 60- 90 days of the
5 completion of the anticipated mediation; and
6

7 WHEREAS the Parties have identified the experts they wish to call at trial, have met and
8 conferred, and anticipate that expert discovery could be completed within the same 60- 90 days of
9 completion of the anticipated mediation; and
10

11 WHEREAS the Parties do not need to complete these final preservation depositions or
12 expert discovery in order to participate in settlement efforts, and wish to avoid the expense of these
13 final pre-trial efforts until after they have completed a global mediation and made all efforts to
14 resolve both this action and the companion LHWACA claim; and
15

16 WHEREAS it does not appear that allowing the parties 90 days to complete these limited
17 tasks after the completion a global mediation will result in any delay in the trial of this matter:
18

19 WHEREFORE the Parties stipulate, and hereby respectfully request that the Court allow the
20 parties: (1) 60 days (until May 25, 2021) to complete a global mediation and (2) an additional 90
21 days thereafter (until August 23, 2021) to complete any preservation depositions and expert
22 discovery.
23

24 SO STIPULATED:

25 DATED: March 26, 2021

26 BRODSKY MICKLOW BULL & WEISS LLP

27 By /s/ Edward M. Bull III
28 Edward M. Bull III
Kurt Micklow

Attorneys for Plaintiff
SONIA MOUNTJOY

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DATED: March 26, 2021

KEESAL YOUNG & LOGAN

By /s/ John D. Giffin
John D. Giffin

Attorneys for Defendants
STAM SHIPPING SA and
ACER MARITIME, INC.

ORDER

Given that the parties plan to complete a global mediation before trial, and their wish to avoid incurring the expense of completing a limited number of preservation depositions and expert discovery, the Court finds that good cause exists to grant the parties: (1) 60 days (until May 25, 2021) to complete a global mediation and (2) an additional 90 days thereafter (until August 23, 2021) to complete any preservation depositions and expert discovery.

IT IS SO ORDERED.

Dated: March 31, 2021



Troy L. Nunley
United States District Judge