

E-Filed

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8 CROSS LINK, INC., dba  
9 WESTAR MARINE SERVICES

**FILED**

JUL 30 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12  
13 IN ADMIRALTY

14 In the Matter of the Complaint of )  
15 )  
16 CROSS LINK, INC., dba WESTAR MARINE )  
17 SERVICES as Owner and Operator of the M/V )  
18 PROVIDER )  
19 Plaintiff, )  
20 For Exoneration From or Limitation of Liability.)

Case No.: C-05-2687 MJJ  
**STIPULATION AND REQUEST TO  
CONTINUE HEARING AND BRIEFING  
DATES ON CLAIMANTS' MOTION TO  
STAY LIMITATION PROCEEDING:  
~~PROPOSED ORDER~~**

21  
22 Plaintiff, CROSS LINK, INC., dba WESTAR MARINE SERVICES ("plaintiff"), claimants  
23 CONSTANCE PICCI and ANDREW SURGES ("claimants"), by and through their respective  
24 counsel of record, hereby stipulate to and respectfully request the Court continue the hearing on  
25 claimants' motion to stay the limitation proceeding and concurrently continue the dates for briefing  
26 said motion for the reasons set forth below.

27 Claimants filed their motion to stay this limitation proceeding and lift the restraining order  
28 entered herein on June 20, 2006. A hearing thereon was scheduled for July 25, 2006. Pursuant to  
Local Rule 7-3(a) and this Court's Standing Order opposition to the motion, if any, is due on July 3,

1 2006. Plaintiff's lead counsel was out of the area during the week of June 26, 2006 and co-counsel  
2 was previously out of state during the week of June 19, 2006. By reason of such prior calendar  
3 commitments and the requirement for filing opposition to the motion 21 days before the hearing,  
4 plaintiff's counsel is unavailable the weekend prior to Monday, July 3, 2006 to asses and, if desired,  
5 prepare opposition to the motion.

6 Moreover, plaintiff and claimants have not had an opportunity to confer regarding the  
7 motion which could allow for the possibility of limiting the scope of any dispute regarding the relief  
8 sought by the motion. Consequently, the parties respectfully suggest that a continuance of the  
9 hearing on claimants' motion with a concomitant extension of briefing deadlines will promote the  
10 fair and efficient adjudication of the motion.

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1 For the foregoing reasons, plaintiff and claimants hereby stipulate and respectfully request  
2 that the Court continue the date of hearing on claimants' motion to stay the limitation proceeding to  
3 the next available date available to the Court for such hearing, which the parties hereto believe is  
4 August 29, 2006, and that the Court order that the briefing schedule be concomitantly extended  
5 consistent with the new hearing date and in accordance with Local Rule 7-3(a) and this Court's  
6 Standing Order.

7  
8 SO STIPULATED:

9  
10 Dated: June 28, 2006

STERLING & CLACK  
Rex M. Clack  
Neil Olson  
David E. Russo

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12  
13 By: s/David E. Russo  
14 David E. Russo  
15 Attorneys for Plaintiff  
16 CROSS LINK, INC., dba  
WESTAR MARINE SERVICES

17 Dated: June 27, 2006

VENARDI ELAM, LLP

18  
19 By: s/Mark L. Venardi  
20 Mark L. Venardi, Esq.  
21 Attorneys for Claimant-Respondents  
22 CONSTANCE PICHHI, as the personal  
23 representative of the wrongful death claimants  
and ANDREW J. SURGES

24 David E. Russo attests that concurrence in the filing of this document has been obtained from each  
25 of the other signatories identified herein.  
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27 181635/P/Prop.StipEfile  
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**ORDER**

Upon review and consideration of the foregoing stipulation, in good cause appearing therefore, IT IS HEREBY ORDERED:

1. The hearing on claimants motion to stay the limitation proceeding is continued to ~~August 29, 2006;~~ **OCTOBER 17, 2006**

2. The date for filing opposition to claimants' motion is hereby continued to ~~August 8, 2006;~~ **SEPTEMBER 26, 2006**

3. The date for filing any reply by claimants in support of the motion of their motion is continued to ~~August 15, 2006~~ **OCTOBER 3, 2006**

Dated: **7/10/06**

  
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Martin J. Jenkins