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5 **Attorneys for Plaintiff**  
 6 **TONITA DOSS**

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10	<b>TONITA DOSS,</b>	)	<b>Case No. 06-07072-JL</b>
11		)	
12	<b>Plaintiff,</b>	)	
13	<b>vs.</b>	)	<b>STIPULATED REQUEST TO</b>
14	<b>HYUNDAI MERCHANT MARINE</b>	)	<b>CONTINUE TRIAL AND TO</b>
15	<b>LTD., INC.; JOHN T. ESSBERGER</b>	)	<b>AMEND THE PRE-TRIAL</b>
16	<b>GMBH; and, LUNGI SHIPPING, INC.,</b>	)	<b>ORDER;</b>
17	<b>Defendants.</b>	)	<b>[PROPOSED] ORDER</b>
	_____	)	<b>Current trial date: October 4, 2010</b>

18  
 19 Counsel for all parties in this action have met and conferred and jointly request that  
 20 the trial in the matter be continued and that the pre-trial order be amended as set forth  
 21 below. Counsel make the below request based on continuations of defendants' motions for  
 22 summary judgment and consequent ruling on the motions to be made some time after the  
 23 parties planned mediation. As the motions address significant issues of law defining the  
 24 parties' duties to plaintiff, the parties' ability to prepare for trial, and to determine the areas  
 25 where an expert witness may be required or the scope of the existing experts report may be  
 26 impacted. Judicial economy and costs would also be served, if the pre-trial depositions of  
 27  
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STIPULATED REQUEST TO CONTINUE TRIAL AND TO AMEND THE PRE-TRIAL ORDER;  
 [PROPOSED] ORDER

1 experts and pre-trial submissions were continued. These requests are also based on  
2 counsels' trial calendars in the coming months. Furthermore, the parties are seeking a  
3 continuation of the trial in order to explore possible settlement at the already scheduled  
4 mediation set for August 13, 2010 and possible settlement discussion following the Court's  
5 decision in regards to the Motions for Summary Judgment. Lastly, at the August 4, 2010  
6 hearing, the Court indicated it would entertain a stipulation to continue the trial and pre-trial  
7 due dates.  
8

9 For these reasons, counsel for all of the parties hereby jointly stipulate to the  
10 following proposed schedule and respectfully request the Court to enter an order as such or  
11 as nearly as possible that conforms to the dates set forth below.  
12

- 13 February 28, 2011 Trial at 9:00 a.m.
- 14 February 23, 2011 Pre-trial conference at 11:00 a.m.
- 15 January 24, 2011 Last day to meet in regards to Local Rule 16-10(b) and per  
16 the Court's standing orders
- 17 January 21, 2011 Last day to depose expert witnesses
- 18 January 13, 2011 Expert Rebuttal reports due
- 19 January 7, 2011 Last day to exchange expert witness reports

20  
21 The signatory below, who is e-filing this document, hereby attest that he has  
22 obtained the concurrence in the filing of this document of each signatory listed below.

23 Respectfully submitted.

24 Dated: August 4, 2010

BIRNBERG & ASSOCIATES

25  
26 By: /s/ Cory Birnberg  
27 Cory A. Birnberg  
28 Attorney for Plaintiff,  
TONITA DOSS

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Dated: August 4, 2010

FLYNN, DELICH & WISE, LLP

By:       /s/ Jeanine Steele Tede        
Jeanine Steele Tede  
Attorney for Defendant,  
HYUNDAI MERCHANT MARINE CO. LTD

Dated: August 4, 2010

EMARD DANOFF PORT TAMULSKI  
& PAETZOLD, LLP

By:       /s/ James J. Tamulski        
James J. Tamulski  
Attorneys for Defendants,  
JOHN T. ESSBERGER and  
LUNGI SHIPPING, INC.

ORDER

Pursuant to stipulation, it is so ordered.

Dated:   August 10, 2010  

  
Hon. James Larson  
United States Magistrate Judge

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