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Attorneys for Defendant  
J.P. SAMARTZIS MARITIME ENTERPRISES CO., S.A.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAVID MOTON,

Plaintiff,

vs.

HANJIN SHIPPING; J.P. SAMARTZIS  
MARITIME ENTERPRISES CO., S.A.

Defendants.

Case No.: 07-01483-SI

**STIPULATION TO EXTEND  
DEADLINE TO COMPLETE  
DISCOVERY; [PROPOSED] ORDER**

1<sup>ST</sup> Am. Complaint Filed: May 7, 2007  
Case Mgmt. Conf.: September 22, 2008  
Trial: March 2, 2009

Plaintiff DAVID MOTON (herein "Plaintiff") and Defendant J.P. SAMARTZIS  
MARITIME ENTERPRISES CO., S.A. (herein "Defendant") (collectively "the Parties") hereby  
stipulate as follows:

1. Plaintiff alleges that he was injured on September 10, 2004 during unloading of  
the vessel M/V HANJIN KAOHSIUNG in the Port of Oakland at Berth 56. Plaintiff was  
employed as a foreman by the terminal operator, Marine Terminals Corporation ("MTC").  
Defendant was the operator/manager of the vessel at the time of the accident. The vessel was  
time chartered by Hanjin Shipping. Hanjin is no longer a party to this action.

2. Plaintiff's First Amended Complaint was filed on May 7, 2007.

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STIPULATION TO EXTEND DISCOVERY CUTOFF; [PROPOSED] ORDER  
Case No.: 07-01483-SI  
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1 3. Defendant first appeared in this action by filing an Answer on February 19, 2008.

2 4. On March 31, 2008 this Court issued a Case Management Order whereby the  
3 Parties were ordered to complete discovery by **October 3, 2008**.

4 5. A further case management conference is set for September 22, 2008.

5 6. Trial is set for March 2, 2009.

6 7. The Parties have conducted written discovery, and Defendant has taken the  
7 depositions of Plaintiff and several witnesses. The Parties anticipate that further written  
8 discovery and witness depositions will need to be conducted. The Parties are attempting to  
9 complete this discovery in September, but due to scheduling concerns of counsel and witnesses,  
10 it may not be feasible to do this.

11 8. In addition, the Parties are coordinating an IME of Plaintiff with Dr. Lesley  
12 Anderson of San Francisco. The Parties could not begin scheduling the IME earlier because the  
13 deposition of Plaintiff was only completed within the last two weeks. The earliest date that Dr.  
14 Anderson is available for the IME is October 21, 2008. The Parties therefore will not be able to  
15 complete the IME prior to the discovery cutoff date as presently set.

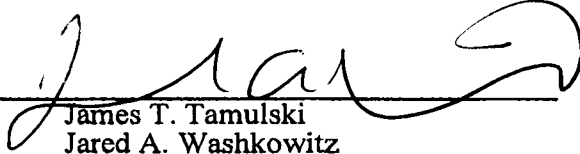
16 9. Due to the above issues, the Parties anticipate that they will not be able to  
17 complete discovery until October 31, 2008. A discovery cutoff date of October 31, 2008 would  
18 also nicely coincide with the deadline for the Parties to complete mediation, which was recently  
19 extended until October 31, 2008.

20 10. Accordingly the Parties respectfully submit that good cause exists to extend the  
21 discovery cutoff, and request that the Court enter an Order approving this stipulation and  
22 extending the date for the Parties to complete discovery until **October 31, 2008**.

23 11. Extending the date for the Parties to complete discovery will not impact any other  
24 deadline set by the Court in this case.

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DATED: September 8, 2008 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

By   
James T. Tamulski  
Jared A. Washkowitz  
Attorneys for Defendant  
J.P. SAMARTZIS MARITIME ENTERPRISES CO., S.A.

DATED: September 8, 2008 BIRNBERG & ASSOCIATES

By   
Cory A. Birnberg  
Attorneys for Plaintiff DAVID MOTON

**[PROPOSED] ORDER**

The above Stipulation is approved. The Parties shall complete discovery by **October 31, 2008.**

Dated: 9/15/08 \_\_\_\_\_

Wm. Alsup for  
\_\_\_\_\_  
HON. SUSAN ILLSTON