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Attorneys for Defendant,
MAERSK LINE, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAMUEL GARRETT,

Plaintiff,

v.

MAERSK LINE LIMITED and DOES 1 –
10, *in personam*, and M/V SEA-LAND
EXPLORER and M/V SEA-LAND
METEOR their engines, tackle, apparel,
furniture, etc., *in rem*,

Defendants.

Case No.: C 07-03318 VRW (EMC)

**STIPULATION AND
~~PROPOSED~~ ORDER
REQUESTING THAT THE
SETTLEMENT CONFERENCE
SCHEDULED FOR DECEMBER
19, 2008 BE CONTINUED TO A
DATE IN LATE JANUARY OR
EARLY FEBRUARY
CONVENIENT TO THE COURT'S
CALENDAR**

The parties to this action, through their respective counsel, hereby stipulate and request that the Settlement Conference currently scheduled for Friday, December 19, 2008 be taken off-calendar and continued to a date convenient to the Court's and the parties calendars in late January or early February.

The parties are jointly making this request because the parties have been diligently pursuing settlement amongst themselves and are making substantial progress. The parties are therefore hopeful that they can reach a settlement before the end of the year without involving the Court. The parties would therefore prefer not to incur the time and legal expense associated with preparing for and attending the upcoming settlement conference since they believe they may reach agreement amongst themselves without incurring that expense.

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MAERSK.Garrett/2520

1 Furthermore, the plaintiff, a merchant seaman, was compelled (apparently due to
2 economic necessity) to join a ship for a shipping rotation and it now appears as though the
3 vessel's schedule will not allow for Mr. Garrett's personal attendance at the scheduled
4 settlement conference. While plaintiff's counsel is able to intermittently communicate with
5 the plaintiff to convey settlement offers and receive instruction and authority, that
6 communication is sporadic and generally occurs over the course of several days when the
7 ship is in cell phone range or in port. Those communications therefore generally occur over
8 a period of days rather than instantaneously.

9 The parties therefore are requesting that the Settlement Conference be re-scheduled
10 to a date convenient to the Court and the parties for a date in late January or early February
11 2009 in the event they are not able to reach a settlement before the end of the calendar year.
12 Counsel for the parties suggest that they provide the Court by January 9, 2009, with new
13 proposed Settlement Conference dates. Of course, if the case were to settle before then,
14 counsel for the parties will immediately notify the Court.

15
16 Respectfully Submitted,

17
18 Dated: December 12, 2008

BANNING, MICKLOW & BULL
Attorneys for Plaintiff
SAMUEL GARRETT

19
20 By /S/ Edward M. Bull III
Edward M. Bull III

21 Dated: December 12, 2008

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Defendant,
MAERSK LINE, LTD.

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24 By: /S/ Marc T. Cefalu
Terence S. Cox
Marc T. Cefalu

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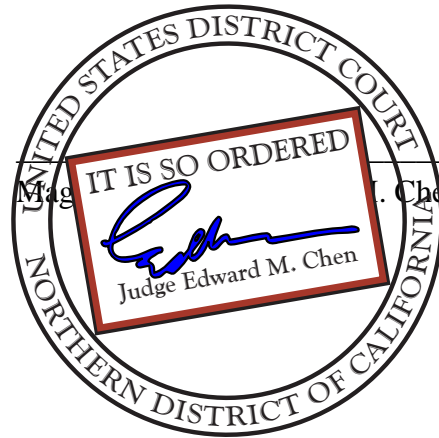
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ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the above referenced Settlement Conference scheduled for December 19, 2008 is vacated. The parties are further ordered to meet and confer and to provide the Court with new proposed Settlement Conference dates by January 9, 2009.

Dated: December 12, 2008



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