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 23 INC.; and CSL INTERNATIONAL, INC.

24 UNITED STATES DISTRICT COURT  
 25 NORTHERN DISTRICT OF CALIFORNIA

26 HANSON AGGREGATES  
 27 MID-PACIFIC, INC.,

28 Plaintiff,

vs.

PIONEER vessel, IN REM, its engines, tackle,  
 equipment, furnishings and machinery, IN  
PERSONAM MARBULK CANADA INC.,  
 MARBULK SHIPPING, INC., CSL  
 INTERNATIONAL INC.,

Defendants.

Case No. C-07-3849-JL

**JOINT STIPULATION TO STAY  
 PRE-TRIAL DEADLINES OR IN THE  
 ALTERNATIVE TO EXTEND PRE-TRIAL  
 DEADLINES  
 [F.R.C.P. § 29(b)].**

**Proposed Order Filed Herewith**

1 IT IS HEREBY STIPULATED by and between the parties herein, Plaintiff Hanson  
2 Aggregates Mid-Pacific, Inc., Defendants Marbulk Canada, Inc., Marbulk Shipping, Inc., and CSL  
3 International, Inc., by and through their attorneys of record, in accordance with Federal Rule of Civil  
4 Procedure, Rule 29(b) and subject to the Order of the Court, as follows:

5 1) The parties are presently in the process of agreeing to a set of stipulated material facts  
6 for the purpose of filing cross-motions for summary judgment in accordance with the parties' joint  
7 conference statement of November 12, 2008. The parties expect to reach final agreement on a set of  
8 stipulated material facts for purposes of the cross-motion for summary judgment by February 6, 2009  
9 and to file cross-motions for summary judgment on or before February 20, 2009.

10 2) The parties' scheduling plan, adopted by order of the Court on November 12, 2008,  
11 included pre-trial deadlines in the event the parties were not able to agree on a set of facts for the  
12 cross-motion for summary judgment.

13 3) The parties have met and conferred in good faith in agreeing on stipulated facts for the  
14 cross-motion for summary judgment and are in agreement that the cross-motion for summary  
15 judgment holds out the most promise for efficiently resolving this matter. The parties wish to avoid  
16 additional costly discovery that will ultimately prove unnecessary if the case is resolved by the  
17 Court's ruling on the cross-motion for summary judgment.

18 4) Accordingly, the parties by and through their respective counsel of record, hereby  
19 stipulate and agree that all pre-trial deadlines set forth in the Court's November 12, 2008 order shall  
20 be stayed pending the Court's ruling on the parties' cross-motions for summary judgment. Should  
21 new pre-trial deadlines be necessary following the Court's ruling on the parties' cross-motions for  
22 summary judgment, such dates shall be set as soon thereafter the hearing on the cross-motion for  
23 summary judgment as possible.

24 5) If, due to the Court's calendar or other reasons, the stipulation to a stay of all pre-trial  
25 deadlines contained in Paragraph 4 is not possible, the parties by and through their respective counsel  
26 of record, hereby stipulate and agree that all pre-trial deadlines set forth in the Court's November 12,  
27 2008 order shall hereby be extended by 60 days. Accordingly, under this alternate stipulation:  
28



~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS ORDERED that all pre-trial deadlines set forth in the Court's November 12, 2008 order shall be stayed pending the Court's ruling on the parties' cross-motions for summary judgment. Should new pre-trial deadlines be necessary following the Court's ruling on the parties' cross-motions for summary judgment, such dates shall be set as soon thereafter the hearing on the cross-motion for summary judgment as possible.

DATED: January 29, 2009

  
HON. JAMES LARSON

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