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15					
16 17	UNITED STATES DISTRICT COURT				
17 18	NORTHERN DISTRICT OF CALIFORNIA				
18					
20	HANSON AGGREGATES MID-PACIFIC, INC.,		Case No. C-07-38	49-JL	
20				ATION TO STAY ADLINES OR IN TH	E
22	Plaintiff,			TO EXTEND PRE-T	
23	vs.		[F.R.C.P. § 29(b)]	.	
24	PIONEER vessel, <u>IN</u> <u>REM</u> , its engines, t equipment, furnishings and machinery, <u>II</u>	N	Proposed Order	Filed Herewith	
25	PERSONAM MARBULK CANADA IN MARBULK SHIPPING, INC., CSL	νС.,			
26	INTERNATIONAL INC.,				
27	Defendants	S.			
28					
	JOINT STIPULATION TO STAY PRE-TRIAL DEADLI OR IN THE ALTERNATIVE TO EXTEND PRE-TRIAL			112	21184.2
	DEADLINES; CASE NO. C-07-3849-JL				

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

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

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

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

4) Accordingly, the parties by and through their respective counsel of record, hereby stipulate and agree 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.

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

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DEADLINES; CASE NO. C-07-3849-JL

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1	a. The last day to serve fact discovery by mail, currently set for January 30, 2009
2	shall now be March 30, 2009.
3	b. The fact discovery cutoff, currently set for March 6, 2009, shall now be May 6,
4	2009.
5	c. The date for simultaneous exchange of expert reports, currently set for March 20,
6	2009, shall now be May 20, 2009.
7	d. The expert discovery cutoff, currently set for April 10, 2009, shall now be June 10,
8	2009.
9	e. The last date for the parties to meet and confer, currently set for April 10, 2009,
10	shall now be June 10, 2009.
11	f. The last date for the parties to file a joint pretrial statement, currently set for April
12	22, 2009, shall now be June 22, 2009.
13	g. The pre-trial conference, currently set for May 12, 2009 at 11:00 a.m., shall now
14	be July 20, 2009, or the closest date thereafter available on the Court's calendar.
15	IT IS SO STIPULATED.
16	DATED: January 26, 2009
17	COX, WOOTTON, GRIFFIN, NIXON PEABODY LLP
18	
19	By: <u>/s/ Marc T. Cefalu</u> MARC. T. CEFALU By: <u>/s/ David A. Kolek</u> ERNEST N. REDDICK
20	Attorneys for Defendants DONALD E. DORFMAN MARBULK CANADA, INC.; MARBULK DAVID A. KOLEK
21	SHIPPING, INC.; and CSLDAVID A: ROLERINTERNATIONAL, INC.Attorneys for PlaintiffHANSON AGGREGATES MID-
22	PACIFIC, INC.
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28	JOINT STIPULATION TO STAY PRE-TRIAL DEADLINES _3_ 11221184.2
	OR IN THE ALTERNATIVE TO EXTEND PRE-TRIAL

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TROPOSED ORDER

2	PURSUANT TO STIPULATION, IT IS ORDERED that all pre-trial deadlines set forth in the
3	Court's November 12, 2008 order shall be stayed pending the Court's ruling on the parties' cross-
4	motions for summary judgment. Should new pre-trial deadlines be necessary following the Court's
5	ruling on the parties' cross-motions for summary judgment, such dates shall be set as soon thereafter
6	the hearing on the cross-motion for summary judgment as possible.
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8	DATED: January 29, 2009
9	HON AMES LARSON
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	JOINT STIPULATION TO STAY PRE-TRIAL DEADLINES -4- 11221184.2 OR IN THE ALTERNATIVE TO EXTEND PRE-TRIAL DEADLINES; CASE NO. C-07-3849-JL