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 7

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

10 In the Matter of the Complaint of 11 Sortwell, Inc. dba Amnav Maritime Services, 12 13 Plaintiff, 14 For Exoneration from or Limitation of Liability.)))))))	Case No.: CV-08-5167 VRW REQUEST FOR CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE AND ATTENDANT DEADLINES (PROPOSED) ORDER CMC Date: February 19, 2009 Trial Date: None Set
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15 Good cause exists for continuing the Initial Case Management Conference
 16 (“ICMC”), currently scheduled for February 19, 2009, as no party is required to file its
 17 claim prior to March 20, 2009. Kieliger Decl. at ¶3. On November 14, 2008, plaintiff
 18 SORTWELL, INC. dba AMNAV MARITIME SERVICES, filed a complaint in this Court
 19 as owners of the tug INDEPENDENCE, Official No. 1196784 (the “Tug”) seeking
 20 exoneration from or limitation of liability as provided for 46 U.S.C. §30501 *et.seq.*, for all
 21 losses, injuries, damages, and deaths resulting or arising from the Tug’s allision with the
 22 Avon Wharf on or about May 14, 2008.

23 Upon plaintiff’s application this Court, in its December 22, 2008 Order Directing
 24 Issuance Of Monition and Injunction, issued an order that “all persons and entities claiming
 25 losses, damages, injuries, or death resulting or arising from the subject incident of the Tug
 26 admonishing them to appear and file their respective claims and answers with the Clerk of
 27 this Court *on or before March 20, 2009.*” Emphasis added.
 28

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To date no party has filed a claim in this matter. *See* Declaration of Christopher S. Kieliger in Support of Plaintiff's Request for Continuance of the Initial Case Management Conference ("Kieliger Decl.") at ¶4. Continuance of the ICMC until well after the deadline for filing claims will allow plaintiff and all claimants to jointly file a single FRCP 26(f) report. Kieliger Decl. at ¶5. Continuance will also serve the interest of judicial economy as the Case Management Order will not need to be amended each time a new party files a claim. Kieliger Decl. at ¶6. Finally, plaintiff is in informal settlement negotiations with a potential claimant. That settlement could be reached as early as the beginning of May 2009. Kieliger Decl. at ¶7. Plaintiff therefore requests that the Initial Case Management Conference currently scheduled for February 19, 2009 be continued until May 14, 2009, along with the attendant deadlines

Dated: January 28, 2008

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Plaintiff,
SORTWELL, INC DBA AMNAV
MARITIME SERVICES

By: 
Christopher S. Kieliger

~~PROPOSED~~ ORDER

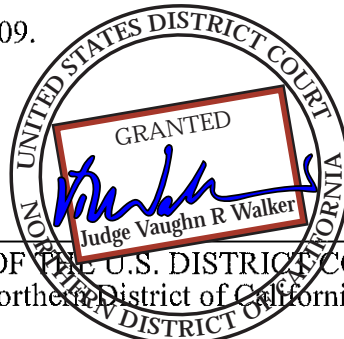
Pursuant to the plaintiff's request above, and good cause having been shown, the Initial Case Management Conference scheduled for February 19, 2009 is continued until May 14, 2009.

The parties ADR Certification, Stipulation to ADR Process and meet and confer pursuant to FRCP 26(f) to be completed by April 23, 2009.

Last day to file Rule 26(f) Report – May 7, 2009.

IT IS SO ORDERED

Dated: 2/3/2009



JUDGE OF THE U.S. DISTRICT COURT
For the Northern District of California

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PROOF OF SERVICE

Case: *In the Matter of the Complaint of Sortwell, Inc. dba Amnav Maritime Services For Exoneration from or Limitation of Liability*

Case No.: U.S.D.C. Northern District of California Case No. CV 08-5167

I am employed in the City and County of San Francisco by the law firm of COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP, 190 The Embarcadero, San Francisco, California 94105. I am over the age of 18 years and not a party to the within action.

On January 28, 2009, I served the attached document(s):

- **REQUEST FOR CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE AND ATTENDANT DEADLINES [PROPOSED] ORDER**
- **DECLARATION OF CHRISTOPHER S. KIELIGER IN SUPPORT OF PLAINTIFF'S REQUEST FOR CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE AND ATTENDANT DEADLINES**

on the parties, through their attorneys of record, by placing copies thereof in sealed envelopes (except facsimile transmission(s)), addressed as shown below, for service as designated below:

(A) By First Class Mail: I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in San Francisco, California, for collection and mailing to the addressee on the date indicated.

(B) By Personal Service: I caused each such envelope to be personally delivered to the addressee(s) by a member of the staff of this law firm on the date indicated.

(C) By Messenger Service: I caused each such envelope to be delivered to a courier employed by FIRST LEGAL SUPPORT SERVICES or by NATIONWIDE LEGAL, INC., with both of whom we have a direct billing account, who personally delivered each such envelope to the addressee(s) on the date indicated.

(D) By Federal Express: I caused each such envelope to be delivered to Federal Express Corporation at San Francisco, California, with whom we have a direct billing account, to be delivered to the addressee(s) on the next business day. I deposited each such envelope/package at the Three Embarcadero Center location of Federal Express Corporation.

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(E) By Facsimile: I caused such document to be served via facsimile electronic equipment transmission (fax) on the party(ies) in this action by transmitting a true copy to the following fax numbers:

<i>SERVICE</i>	<i>ADDRESSEE</i>	<i>PARTY REPRESENTED</i>
A, E	Charles L. Magee, Esq. Tesoro Refining & Marketing Co. 3450 South 344 th Way, Suite 100 Auburn, WA 98001-5931 Fax: (253)896-8845	Vice President, General Counsel & Assistant Secretary for Tesoro Refining and Marketing Co.
A, E	Rich Kessenich Daigle, Fisse & Kessenich P.O. Box 5350 Covington, LA 70434-5350 Telephone: 985.871.0800 Fax: (985)871-0899	Outside Counsel for Tesoro Refining and Marketing Co.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed this January 28, 2008, at San Francisco, California.



 Amy Muzingo