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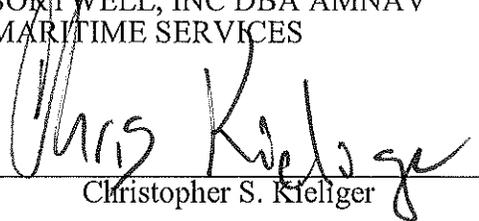
continuing the ICMC until May 14, 2009 as no one had responded to the Motion nor would they be required to prior to the ICMC's originally scheduled date of February 19, 2009. On February 20, 2009, Tesoro Refining & Marketing Company ("Tesoro") filed its answer and claim alleging that it is the owner of the wharf that was allegedly damaged by the tug and claiming \$7,879,240.00 in damages.

Sortwell and Tesoro have been diligently working toward an out of court settlement of this matter. Kieliger Decl. at ¶4. To that end Tesoro has provided Sortwell with boxes of documents which it alleges support its claim for damages and Sortwell has retained a number of experts to review those documents. Kieliger Decl. at ¶5. In addition to a multitude of conference calls concerning the matter, Sortwell's counsel and economic loss expert met with Tesoro at its San Antonio offices to discuss its claim. Kieliger Decl. at ¶6. The parties plan a further meeting at the end of May to discuss Tesoro's claims relating to the construction repair costs. Kieliger Decl. at ¶7. In addition, plaintiff will file, by the end of April, a motion for entry of default as to all parties not answering the Motion. Kieliger Decl. at ¶8.

Continuance of the ICMC for three months serves the interest of judicial economy as it allows the parties to review the documents already exchanged, informally address questions and concerns relating to the amount of damages and meet on at least one more occasion to discuss an informal resolution of this matter. Kieliger Decl. at ¶9. That settlement could be reached as early as July 2009. Kieliger Decl. at ¶10. Plaintiff therefore requests that the Initial Case Management Conference currently scheduled for May 14, 2009 be continued until August 13, 2009, along with the attendant deadlines.

Dated: April 23, 2009

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Dated: April 23, 2009

DAIGLE, FISSE & KESSENICH
Attorneys *pro hac vice* for Claimant,
TESORO REFINING AND MARKETING
COMPANY

By: Chris Kielize for & authorized by:
John Frederick Kessenich

~~PROPOSED~~ ORDER

Pursuant to the parties stipulated request above, and good cause having been shown,
the Initial Case Management Conference scheduled for May 14, 2009 is continued until
August 13, 2009.

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

Last day to file Rule 26(f) Report – August 6, 2009.

IT IS SO ORDERED

Dated: April 27, 2009



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