

1 JOHN D. GIFFIN, CASB NO. 89608
john.giffin@kyl.com
2 DAVID PIPER, CASB NO. 179889
david.piper@kyl.com
3 NICOLE S. BUSSI, CASB NO. 252763
nicole.bussi@kyl.com
4 KEESAL, YOUNG & LOGAN
A Professional Corporation
5 450 Pacific Ave.
San Francisco, California 94133
6 Telephone: (415) 398-6000
Facsimile: (415) 981-0136

7 Attorneys for Non-Party
8 PACIFIC INTERNATIONAL LINES, LTD.

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**
13

14 DEBORAH D. PETERSON, Personnel) Case No. 3:08-mc-80030-JSW
Representative of the Estate of James C.)
15 Knipple (Dec.), et al.,) **JOINT STIPULATION FOR REQUEST**
) **FOR EXTENSION OF TIME TO**
16 Plaintiffs,) **RESPOND TO MOTION FOR AN**
) **ORDER COMPELLING ASSIGNMENT**
17 vs.) **OF RIGHTS PURSUANT TO C.C.P. §**
) **708.510(A) AND F.R.C.P. 69(a) AND**
18 ISLAMIC REPUBLIC OF IRAN, et al.,) **[PROPOSED] ORDER THEREON**
)
19 Defendant.) Date: September 3 and 17, 2008
) Time: 10:00 a.m.
20) Dept.: G, 15th Floor
) Magistrate Judge: Bernard Zimmerman
21)

22
23 **STIPULATION**

24 Plaintiffs DEBORAH D. PETERSON, PERSONAL REPRESENTATIVE OF THE
25 ESTATE OF JAMES C. KNIPPLE (DEC.), ET AL. ("PLAINTIFFS") and non-party
26 appearing through counsel for the limited purpose of opposing Plaintiffs' Motion for an
27 Order Compelling Assignment, third party Shipping Line PACIFIC INTERNATIONAL
28

1 LINES, LTD. (“PACIFIC”) do hereby stipulate as follows:
2

3 WHEREAS on March 11, 2008, PLAINTIFFS registered a judgment with this
4 Court in the amount of \$2,656,944,877.00 against defendant ISLAMIC REPUBLIC OF
5 IRAN;
6

7 WHEREAS on July 16 and July 17, 2008, PLAINTIFFS filed and later served
8 Motions for Orders Compelling Assignment of Rights Pursuant to C.C.P. § 708.510(a)
9 and F.R.C.P. 69(a) (the “Motions”) on the third party Shipping Lines;
10

11 WHEREAS PACIFIC asserts that it never received PLAINTIFFS’ Motions for
12 Orders Compelling Assignment of Rights Pursuant to C.C.P. § 708.510(a) and F.R.C.P.
13 69(a) (the “Motions”) but was informed by third party Shipping Line YANG MING
14 LINES;
15

16 WHEREAS on July 25, 2008, this Honorable Court issued a Notice of Briefing
17 Order and Briefing Order to the Shipping Lines, inviting CMA CGM (S.A.) & CMA CGM
18 (The French Line) and the Shipping Lines to respond to the Motions and setting a
19 briefing schedule that requires hearing of the Motion relating to CMA CGM (S.A.) &
20 CMA CGM (The French Line) on September 3, 2008 (for purposes of judicial economy),
21 followed by hearing of the Motions relating to the other third party shipping lines on
22 September 17, 2008;
23

24 WHERAS PACIFIC makes this Stipulation and intends to oppose the Motions
25 without prejudice to or waiver of and having expressly reserved any and all rights and
26 defenses;
27

1
2 WHEREAS the law firm of Keesal Young & Logan was retained on August 25,
3 2008 to represent PACIFIC;

4
5 WHEREAS good cause exists to continue the hearing for the PACIFIC so that
6 counsel may become familiar with these proceedings and advise their clients accordingly;

7
8 WHEREAS the Court's previous Briefing Order sought the briefing and hearing of
9 the Motion relating to CMA first, followed by the briefing and hearing of the Motions
10 relating to the other Shipping Lines;

11
12 WHEREAS on August 11, 2008, this Honorable Court ordered that the responses
13 to the Motions of third parties MITSUI O.S.K. LINES, LTD., HANJIN SHIPPING
14 LINES, CSA V/EUROATLANTIC CONTAINER LINE, A.P. MOLLER-MAERSK A/S/
15 and MEDITERRANEAN COMPANY shall be due on October 27, 2008, with
16 PLAINTIFFS reply due November 5, 2008, with a hearing set for November 26, 2008;

17
18 WHEREAS on August 19, 2008, this Honorable Court ordered that the responses
19 to the Motions of third parties HAPAG-LLOYD AG; WAN HAI LINES LTD.; YANG
20 MING MARINE TRANSPORT CORPORATION; ORIENT OVERSEAS CONTAINER
21 LINE LTD.; KAWASAKI KISEN KAISHA; EVERGREEN MARINE CORPORATION;
22 HYUNDAI MERCHANT MARINE CO., LTD. shall be due on October 27, 2008, with
23 PLAINTIFFS reply due November 21, 2008, with a hearing set for December 17, 2008;

24
25 PLAINTIFFS and PACIFIC request an extension of time to respond to the
26 Motions such that the response of PACIFIC would be due on October 27, 2008,

1 PLAINTIFFS' reply would be due November 21, 2008, and the Motion will be heard on
2 December 17, 2008;

3
4 WHEREAS responses to the Motions shall be in accordance with the Local Rules
5 of the United States District Court, Northern District of California, and any other order
6 as may be issued by the Court;

7
8 WHEREAS PACIFIC has never previously sought an extension relating to the
9 Motions;

10
11 WHEREAS counsel for third parties MITSUI O.S.K. LINES, LTD., HANJIN
12 SHIPPING LINES, CSA V/EUROATLANTIC CONTAINER LINE, A.P. MOLLER-
13 MAERSK A/S/, MEDITERRANEAN COMPANY, HAPAG-LLOYD AG, WAN HAI
14 LINES LTD., YANG MING MARINE TRANSPORT CORPORATION, ORIENT
15 OVERSEAS CONTAINER LINE LTD., KAWASAKI KISEN KAISHA, EVERGREEN
16 MARINE CORPORATION, HYUNDAI MERCHANT MARINE CO., LTD have been
17 contacted regarding this Stipulation, and stated that they do no object to the proposed
18 dates listed;

19
20 WHEREAS counsel for PACIFIC shall undertake the responsibility of effecting
21 service of process on all appropriate parties.

22
23 PLAINTIFFS and PACIFIC hereby stipulate to request for an extension of time as
24 follows:

- 25
26 1. PACIFIC shall have an extension of time to respond to the Motions
27

1 such that the response of PACIFIC would be due on October 27, 2008 and heard on
2 December 17, 2008.

3
4 2. PLAINTIFFS' Reply Brief(s) shall be due on November 21, 2008.

5
6 **IT IS SO STIPULATED.**

7
8 DATED: September ___, 2008

9 //s/ Nicole Bussi
10 JOHN D. GIFFIN
11 DAVID PIPER
12 NICOLE S. BUSSI
13 KEESAL, YOUNG & LOGAN
14 Attorneys for Non-Party
15 PACIFIC INTERNATIONAL LINES, LTD.

16
17 I, Nicole S. Bussi, am the ECF User whose ID and password are being used
18 to file this Stipulation and [Proposed] Order to Continue Hearing Date. In compliance
19 with General Order 45, X.B., I hereby attest that the signatory below has concurred in
20 this filing.

21
22 DATED: September ___, 2008

23 //s/ David Cook
24 DAVID J. COOK
25 Attorneys for Plaintiffs
26 DEBORAH D. PETERSON
27 Personal Representative of the Estate of
28 James C. Knipple (Dec.), et al.

1 **PROPOSED ORDER**

2
3 As stipulated by PLAINTIFFS and PACIFIC, and for good cause shown; **IT**
4 **IS HEREBY ORDERED:**

- 5
6 1. PACIFIC shall have an extension of time to respond to
7 the Motion as follows: The response to the Motions shall be due on
8 October 27, 2008.
9 2. PLAINTIFFS' Reply Brief(s) shall be due on November 21, 2008.
10 3. A hearing date on the response and reply brief shall be December
11 17, 2008 at 10:00 a.m.

12
13 DATED: September 4, 2008


HONORABLE BERNARD ZIMMERMAN
UNITED STATES MAGISTRATE JUDGE

