	1 2 3 4 5 6 7	COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP Terence S. Cox (SBN 076142) Max L. Kelley (SBN 204943) 190 The Embarcadero San Francisco, CA 94105 Telephone No.: 415-438-4600 Facsimile No.: 415-438-4601 Attorneys for Defendants POLAR TANKERS, INC. and CONOCOPHILLIPS CO.				
	8	UNITED STATES DISTRICT COURT				
	9	NORTHERN DISTRICT OF CALIFORNIA				
	10	DAVID JEWELL) Case No.: CV 09-01669 JL				
	11 12	Plaintiff,) STIPULATION TO CONTINUE DEADLINE FOR DISCLOSURE) OF EXPERT TESTIMONY AND				
	13	v.) [PROPOSED] ORDER THEREON				
	14	POLAR TANKERS, INC.,				
	15	CONOCOPHILLIPS COMPANY and) Does One through Ten, Inclusive)				
	16)				
	17	Defendants.				
	18					
	19	IT IS HEREBY STIPULATED by the parties to this action by and through their				
	20	respective counsel that <i>good cause</i> exists to continue the Expert Disclosure Deadline by approximately 45 days <i>in the interests of justice and judicial economy</i> based in part upon the following:				
	21					
	22					
	23	(1) This is a maritime personal injury action arising out the plaintiff's slip-and-fall				
	24	while he was working aboard the defendants' vessel in December 2008. The plaintiff has alleged causes of action for Jones Act negligence, unseaworthiness, and maintenance and cure, and that the defendants are responsible for his alleged				
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	27	resulting damages. The defendants deny they are responsible for the damages.				
CONOCO.Jewell	28	(2) Trial is scheduled for April 26, 2010;				
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	1	(3)	On July 29, 2009, counsel for the parties attended a Case Management Conference
	2		during which no pre-trial deadlines were set by the Court, therefore F.R.C.P. Rule
	3		26(a)(2)(C) governs and the parties' disclosure of expert testimony is tomorrow,
	4		January 26, 2010, 90 days before trial;
	5	(4)	The parties have been diligent in conducting discovery to date. They have
	6		exchanged extensive written discovery and taken four percipient witness
	7		depositions, including the plaintiff's. Two more depositions are confirmed to take
	8		place tomorrow and the following day. As the parties noted at the CMC, however,
	9		due to the defendants' witnesses being employed aboard sea-going vessels, the
	10		deposition schedule for those witnesses is determined by their work schedules,
	11		which typically requires them to be at sea for up to 75 days or more. Thus, despite
	12		the parties' diligent efforts, it is likely the depositions of percipient witnesses will
	13		not be completed until the first week of March, 2010.
	14	(5)	In light of the extended deposition schedule, it makes sense for the parties' expert
	15		disclosures to be exchanged after the depositions have been completed in March so
	16		that the experts will have the benefit of everyone's testimony.
	17	(6)	The parties therefore agree that the deadline for expert disclosures shall be
	18		continued from January 26, 2010 to March12, 2010;
	19	(7)	There have been no continuances of any deadlines in this case.
	20	(8)	Based upon the above, counsel for the parties submit that good cause exists in the
	21		interest of justice and judicial economy to grant the request.
	22	///	
	23	///	
	24	///	
	25	///	
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	28	///	
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	1	CONCLUSION					
	2	Based upon the above, the parties respectfully request that the Court continue the					
	3	deadline for the Disclosure of Expert Testimony to March 12, 2010.					
	4	Respectfully Submitted,					
	5						
	6	Dated: January 25, 2010 LAW OFFICES OF LYLE C. CAVIN, JR. Attorneys for Plaintiff DAVID JEWELL					
	7						
	8						
	9	By: <u>/S/</u> Lyle C. Cavin, Jr.					
	10						
	11	Dated: January 25, 2010 COX, WOOTTON, GRIFFIN,					
	12	HANSEN & POULOS, LLP					
	13	Attorneys for Defendants POLAR TANKERS, INC. and CONOCOPHILLIPS COMPANY					
	14	By: <u>/S/</u>					
	15	Max L. Kelley					
	16						
	17						
	18	TROPOSED ORDER					
	19						
	20	PURSUANT TO STIPULATION IT IS HEREBY ORDERED THAT the deadline for the Disclosure of Expert Testimony is continued from January 26, 2010 to March 12, 2010.					
	21						
	22	IT IS SO ORDERED.					
	23						
	24						
COX, WOOTTON,	25	Date: January 26 , 2010 By: Magintate James Larson					
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