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POLAR TANKERS, INC. and  
CONOCOPHILLIPS CO.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID JEWELL )  
)  
)  
Plaintiff, )  
)  
v. )  
)  
)  
POLAR TANKERS, INC., )  
CONOCOPHILLIPS COMPANY and )  
Does One through Ten, Inclusive )  
)  
Defendants. )  
\_\_\_\_\_ )

Case No.: CV 09-01669 JL  
**STIPULATION TO CONTINUE  
DEADLINE FOR DISCLOSURE  
OF EXPERT TESTIMONY AND  
~~PROPOSED~~ ORDER THEREON**

**STIPULATION**

IT IS HEREBY STIPULATED by the parties to this action by and through their respective counsel that *good cause* exists to continue the Expert Disclosure Deadline by approximately 45 days *in the interests of justice and judicial economy* based in part upon the following:

- (1) This is a maritime personal injury action arising out the plaintiff's slip-and-fall 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 resulting damages. The defendants deny they are responsible for the damages.
- (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 March 12, 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.

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