

# **COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID JEWELL ) Case No.: CV 09-01669 JL  
Plaintiff, )  
v. )  
Polar Tankers, Inc., )  
ConocoPhillips Company and )  
Does One through Ten, Inclusive )  
Defendants. )  
\_\_\_\_\_  
STIPULATION TO CONTINUE  
DEADLINE FOR FILING AND  
SERVICE OF JOINT PRETRIAL  
STATEMENT 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 deadline for filing and serving of their Joint Pretrial Statement by approximately 18 days *in the interests of justice and judicial economy*, based upon the following:

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1 (1) This is a maritime personal injury action arising out the plaintiff's slip-and-fall  
2 while he was working aboard the defendants' vessel in December 2008. The  
3 plaintiff has alleged causes of action for Jones Act negligence, unseaworthiness, and  
4 maintenance and cure, and that the defendants are responsible for his alleged  
5 resulting damages. The defendants deny they are responsible for the damages.

6 (2) Trial is scheduled for July 19, 2010;

7 (3) ***Mediation is scheduled for June 23, 2010;***

8 (4) On February 10, 2010, counsel for the parties attended a Case Management  
9 Conference during which pre-trial deadlines were set by the Court, including ***June***  
10 ***10, 2010,*** as the deadline for filing and serving the parties' Joint Pretrial Statement;

11 (5) The parties have been diligent in conducting discovery to date and have essentially  
12 completed lay discovery. The parties have timely completed their expert disclosures  
13 as required by the Case Management and Pretrial Order and are currently in the  
14 process of taking expert depositions;

15 (6) In light of the on-going expert discovery (depositions) and the parties' good faith  
16 belief that this case has a reasonable chance of settling at the upcoming mediation  
17 on June 23, 2010, and in the interest of judicial economy, it makes sense to continue  
18 the deadline to file and serve the parties' Joint Pretrial Statement ***until after the***  
19 ***mediation;***

20 (7) The parties therefore agree that the deadline for filing and serving the parties' Joint  
21 Pretrial Statement shall be continued from ***June 10, 2010*** to ***June 28, 2010***, and  
22 without the need to continue any other deadlines, including the trial date.

23 (8) The expert disclosure date was previously continued from March 12, 2010 to May  
24 21, 2010, and the trial date was previously continued from April 26, 2010 to July 19,  
25 2010. ***The parties do not anticipate any further continuances of the trial or pre-***  
26 ***trial dates.***

27 (9) Based upon the above, counsel for the parties submit that good cause exists in the  
28 interest of justice and judicial economy to grant the request.

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1      **CONCLUSION**

2      Based upon the above, the parties respectfully request that the Court continue the  
3      deadline for the filing and service of their Joint Pretrial Statement until **June 28, 2010**.

4      Respectfully Submitted,

5  
6      Dated: June 9, 2010  
7      LAW OFFICES OF LYLE C. CAVIN, JR.  
8      Attorneys for Plaintiff DAVID JEWELL

9      By: \_\_\_\_\_/S/  
10     Lyle C. Cavin, Jr.

11     Dated: June 9, 2010  
12     COX, WOOTTON, GRIFFIN,  
13     HANSEN & POULOS, LLP  
14     Attorneys for Defendants  
15     POLAR TANKERS, INC. and CONOCOPHILLIPS COMPANY

16     By: \_\_\_\_\_/S/  
17     Max L. Kelley

18      **PROPOSED ORDER**

19      PURSUANT TO STIPULATION IT IS HEREBY ORDERED THAT the  
20      deadline for filing and serving of the parties' Joint Pretrial Statement is continued from June  
21      10, 2010 to June 28, 2010.

22      **IT IS SO ORDERED.**

23      Date: June 14, 2010

24      By: \_\_\_\_\_

25        
26      Magistrate James Larson  
27      United States District Court

28  
29      COX, WOOTTON,  
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