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6 Attorneys for Defendant/Cross Defendant/Cross-Complainant
 COLMA DRAYAGE, INC.

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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 TRAVELERS INDEMNITY OF
 CONNECTICUT; MARINPAK MPK
 12 SONOMA, INC.,
 13 Plaintiffs,

) **Case No. 3:09-CV-03118SC**
) [Complaint Filed July 10, 2009]

) **STIPULATED REQUEST FOR**
) **EXTENSION OF DISCOVERY CUT-OFF**

14 vs.

15
 16 COLMA DRAYAGE, INC.; DEVINCENZI
 TRUCKING, INC.; FREDRICK SHUMATE
 17 dba SHUMATE ENTERPRISES, LLC and
 DOES 1-20, inclusive,
 18 Defendants.

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 20 DEVINCENZI TRUCKING, INC., a California
 Corporation,
 21 Cross-Complainant,

22 vs.

23 HAPAG-LLOYD (AMERICA) INC.;
 24 FREDRICK SHUMATE dba SHUMATE
 ENTERPRISES, LLC; SHUMATE
 25 ENTERPRISES, LLC; COLMA DRAYAGE,
 INC.; and DOES 21through 50 inclusive,
 26 Cross-Defendants.

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1 Pursuant to Civil Local Rules, Rules 6-2 and 7-12, and to the Stipulation reflected herein,
2 the Parties request an extension of the discovery cut-off solely for the purpose of taking the non-
3 expert depositions of Plaintiff TRAVELERS INDEMNITY OF CONNECTICUT ("Travelers") and
4 its subrogor, Plaintiff MARINPAK MPK SONOMA, INC. ("MPK") (Travelers and MPK
5 collectively, "Plaintiffs").

6 Pursuant to the Initial Case Management Order, the discovery cut-off is scheduled for
7 **January 7, 2011**. Trial is scheduled to commence **March 7, 2011**. In accordance therewith,
8 Defendant COLMA DRAYAGE, INC. ("CDI") properly served notice of the depositions of MPK's
9 and Travelers' "Persons Most Knowledgeable" to take place January 5, 2011 and January 7, 2011,
10 respectively.

11 Since such notices, however, Plaintiffs' counsel have indicated their intention to dismiss
12 MPK's independent prayer for damages related to business interruption, which will partially, if not
13 entirely, obviate the MPK deposition. In any event, Plaintiffs' counsel, with the stipulation of all
14 counsel as reflected below, agree that should MPK's deposition remain necessary, any party may
15 reasonably re-notice such deposition for any date through and including **February 28, 2011**.

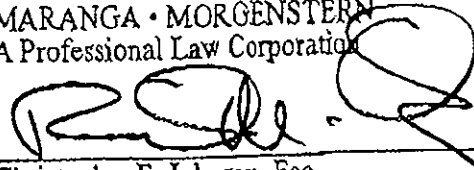
16 With respect to Travelers, CDI noticed the deposition, in accordance with Federal Rules of
17 Civil Procedure, to take place at Travelers' Hartford, Connecticut headquarters. Such deposition
18 prospectively will relate primarily to Travelers' claim for damages. However, Plaintiffs' counsel
19 likewise have indicated their willingness to stipulate to damages reduced from that alleged in
20 Plaintiffs' Complaint in Subrogation.¹ Moreover, counsel advised that Travelers' "Person Most
21 Knowledgeable" is actually located in Wisconsin, necessitating revised travel arrangements. Again,
22 in any event, Plaintiffs' counsel, with stipulation of remaining counsel, have agreed to permit the
23 Travelers deposition to take place anytime through and including **February 28, 2011**. There have
24 been no other modifications to the Initial Case Management Order.

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28 ¹ Plaintiffs' and defense counsel have discussed, among other things, the appropriate
measure of damages for property destruction and its application to Plaintiffs' loss.

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DATED: January 4, 2011

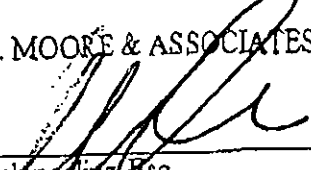
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DATED: January __, 2011

SHAWN C. MOORE & ASSOCIATES



Daniel T. Schmading, Esq.
Attorneys for Plaintiffs
TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT and MARINPAK MPK
SONOMA, INC.

DATED: January __, 2011

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Cross-Complainant, FREDRICK SHUMATE dba
SHUMATE ENTERPRISES, LLC, and SHUMATE
ENTERPRISES, LLC

DATED: January __, 2011

BERENY & WALLACE

Joshua Bereny, Esq.
Attorneys for Third-Party Defendants,
CARRIS, INC. and SSA MARINE (erroneously
served as SSA Marine, International)

DATED: January __, 2011

KEESAL YOUNG AND LOGAN

John D. Giffin, Esq.
Hapag-Lloyd (America) Inc.

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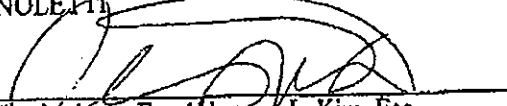
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SHAWN C. MOORE & ASSOCIATES

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TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT and MARINPAK MPK
SONOMA, INC.

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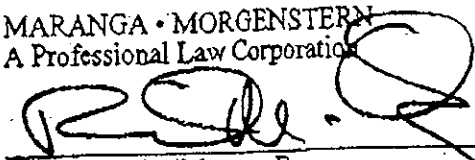
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Richard M. Ozowski, Esq.
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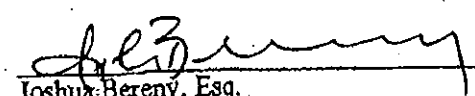
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5 Complainant COLMA DRAYAGE, INC.

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7 DATED: January __, 2011

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9 Daniel T. Schmaeling, Esq.
Attorneys for Plaintiffs
10 TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT and MARINPAK MPK
11 SONOMA, INC.

12
13 DATED: January __, 2011

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MINOLETTI

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18 ENTERPRISES, LLC

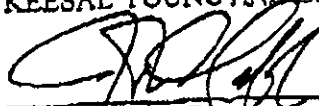
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22 Joshua Bereny, Esq.
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23 CARRIS, INC. and SSA MARINE (erroneously
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24
25 DATED: January 7, 2011

KEESAL YOUNG AND LOGAN

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27 
28 John D. Giffin, Esq.
Hapag-Lloyd (America) Inc.

1 DATED: January 14, 2011

LAMORE, BRAZIER, RIDDLE & GIAMPOALI

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Eric Steinle, Esq.
Attorneys for Defendant/Cross-Defendant/
Cross-Complainant/Third-Party Plaintiff,
DEVINCENZI TRUCKING, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 11, 2011

Honorable Samuel Conti

