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VICTOR STARKEY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VICTOR STARKEY,)	EMC
)	Case No.: 09-cv-5801 MHP
Plaintiff,)	
)	STIPULATION TO STAY
v.)	DISCOVERY DEADLINES UNTIL
)	NEW TRIAL DATE IS SET
)	
F/V DONITA, LLC; MICHAEL E.)	
MCCUTCHEON AND ANN TIMMER, <i>in</i>)	
<i>personam</i> , and F/V DONITA, and her)	
engines, tackle, apparel, etc., <i>in rem</i> , and)	
DOES 1 through 20,)	
)	
Defendants.)	
_____)	

The parties to the above-captioned matter hereby submit this stipulation to stay the
deadline for expert discovery and disclosures in this case. The parties also stipulate to

1 continuing the percipient discovery deadline in this case accordingly, for the sole purpose of
2 taking the deposition of Dr. Gregory Buncke. The parties wish to stay these dates in order
3 that they may be reset when the Court sets a new trial date.

4 The deadline for percipient discovery in this case was previously set for August 26,
5 2011, and the deadline for exchange of expert reports was set for September 9, 2011, per the
6 Honorable Marilyn H. Patel's March 7, 2022 Order. On June 6, 2011, this case was
7 reassigned to the Honorable Edward M. Chen. That Reassignment Order vacated the
8 previously set trial date, but stated that, "All discovery cutoff dates and other deadlines
9 associated with the case shall remain in effect."

10 As no new trial date has been set, and the parties have yet to have an initial case
11 management conference following the reassignment, the parties stipulate to staying the
12 expert and percipient discovery deadlines, so that those dates may be reset at the same time
13 that the Court sets a new trial date in this matter. This will allow the parties more time to
14 attempt an informal resolution of this case and to otherwise save time and money by
15 conducting expert discovery at a time closer to the eventual trial date in this matter.

16 For the foregoing reasons, the parties stipulate and jointly request that the Court
17 continue the expert and discovery deadlines in this matter in accordance with the above.

18 Dated: September 7, 2011

19 COX, WOOTTON, GRIFFIN,
20 HANSEN & POULOS, LLP
21 Attorneys for Defendants
22 F/V DONITA, LLC; MICHAEL E.
23 MCCUTCHEON and ANN TIMMER,
24 *in personam*, the F/V DONITA, *in rem*

25 By /s/ Marc A. Centor
26 Marc A. Centor

27 Dated: September 7, 2011

28 BRODSKY MICKLOW BULL &
WEISS LLP
Attorneys for Plaintiff
Victor Starkey

By /s/ Edward M. Bull III
Edward M. Bull III

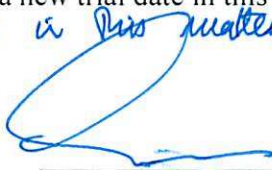
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ORDER

Pursuant to the stipulation of the parties and good cause appearing thereon,
IT IS HEREBY ORDERED, that the deadline for exchange of expert reports in this matter is stayed. In addition, the deadline for percipient discovery is stayed for the sole purpose of allowing the parties to take the deposition of Dr. Gregory Buncke. These deadlines shall be reset at the same time that this Court sets a new trial date in this matter.

The Court sets a date in this matter for 10/21/11 @ 900 for trial setting.

Dated: 9/13/11



THE HONORABLE EDWARD M. CHEN