



1 transportation. The case was not resolved on the date of the  
2 mediation; however, through the continuing and diligent efforts  
3 of all counsel in the matter a settlement was ultimately  
4 reached that would dispose of the Third-Party Complaint of  
5 Legacy Transportation against United Van Lines. As of this  
6 date the language of settlement agreement memorializing the  
7 partial settlement has been agreed and the document has been  
8 signed by all counsel and parties with the exception of Legacy  
9 Transportation; however, this final signature is expected  
10 within the next few days. Counsel for United Van Lines intends  
11 to seek a determination of good faith settlement as soon as the  
12 fully executed document is received.

13  
14 Having exhausted all possible avenues for the settlement  
15 of the case between plaintiffs Travelers/Tomotherapy and  
16 defendant, Legacy, the parties have now turned their attention  
17 to discovery, which has been significantly narrowed by virtue  
18 of the negotiations which occurred at the mediation. Given  
19 this court's earlier ruling that the case is governed by the  
20 Carmack Amendment (a strict liability statute) counsel for the  
21 remaining parties believe the principal issues that remain in  
22 this case could be resolved through the filing of cross-motions  
23 for summary judgment or summary adjudication of issues on the  
24 issues of Legacy's liability for the damage claimed by the  
25 plaintiffs and Legacy's right to limit its liability to a sum  
26 less than the amount of the damage claimed, after the  
27 completion of targeted discovery by both sides. The discovery  
28 would include requests for admission which might further serve

1 to pare the issues before the Court. At present, the discovery  
2 cut-off for fact discovery is presently set for March 11, 2011  
3 and a further Case Management conference is scheduled for May  
4 20, 2011 at 1:30 pm. From this point forward, the parties have  
5 stipulated to, and propose the following:

- 6
- 7 1. The fact discovery cut-off would be continued to May 10,  
8 2011.
- 9 2. The Case Management conference presently scheduled for  
10 May 20, 2011 would remain on calendar and would be used  
11 to address any remaining discovery issues to discuss the  
12 scheduling and briefing of the parties' proposed cross  
13 motions for summary judgment (briefing schedule, page  
14 limitations, number of briefs, etc.)
- 15 3. The parties' cross-motions for summary judgment would be  
16 heard on a date convenient to this Court but NO LATER  
17 THAN July 15, 2011, unless a later date is required for  
18 the convenience of the Court.
- 19 4. The trial date presently on calendar would be vacated or  
20 continued to allow for the hearing of the summary  
21 judgment/summary adjudication motions.
- 22 5. Another Case Management Conference would be scheduled  
23 after the disposition of the motions to deal with any  
24 remaining issues if the parties have not been able to  
25 settle the case, in the light of the Court's rulings.
- 26

27 To this point the parties have done their best to reach a  
28 negotiated settlement of this case, as ordered by this Court.

1 The parties also believe that the case can be most efficiently  
2 resolved through the procedure they have agreed to and herein  
3 propose to the Court. The parties have not requested any prior  
4 continuance of the discovery cut-off date, and respectfully  
5 request that the Court consider this stipulation to give the  
6 parties the best chance of resolving this case without the need  
7 for an expensive and time consuming trial.

8  
9 DATED: March 8, 2011 ROBERTS & KEHAGIARAS LLP

10  
11 By:           /s/-George Hassapis            
12 GEORGE HASAPIS, ESQ.  
13 Attorneys for Plaintiffs  
14 TRAVELERS PROPERTY CASUALTY  
15 COMPANY OF AMERICA and  
16 TOMOTHERAPY INCORPORATED

17  
18 DATED: March 8, 2011 HIGGS, FLETCHER & MACK LLP

19 By:           /s/ - George Hassapis\*            
20 PETER S. DOODY, ESQ.  
21 Attorneys for Defendant and  
22 Third-Party Plaintiff LEGACY  
23 TRANSPORTATION SERVICES, INC  
24 \*Signed per written authority

25  
26 DATED: March 8, 2011 NEMECK & COLE

27 By:           /s/-George Hassapis\*\*            
28 GREGG S. GARFINKEL, ESQ.  
Attorneys for Third-Party  
Defendant  
UNITED VAN LINES, LLC  
\*\*Signed per written authority

ROBERTS & KEHAGIARAS LLP  
www.tradeandcargo.com

ORDER

Pursuant to the stipulation of the parties and good cause appearing therefor,

IT IS HEREBY ORDERED that the following dates have been rescheduled:

May 20, 2011 New Fact Discovery Cut-off

The case management conference presently scheduled for May 20, 2011 at 1:30 pm shall remain on calendar and shall be used to discuss any open discovery issues and the cross-motions to be filed by the parties.

June 17, 2011 Opening summary judgment briefs

July 1, 2011 Briefs in opposition

July 8, 2011 Reply Briefs

July 22, 2011 at 9:00 a.m. Motion hearing date

October 11, 2011 at 2:00 p.m. Pretrial  
~~Further status~~ conference date

October 31, 2011 at 8:00 a.m. Trial Date

DATED: March 8, 2011



THE HONORABLE JEFFREY S. WHITE  
Judge, United States District  
Court