

ROBERTS & KEHAGIARAS LLP

ANDREW D. KEHAGIARAS, ESQ. (State Bar No. 207767)

adk@tradeandcargo.com

GEORGE P. HASSAPIS, ESQ. (State Bar No. 147072)

gph@tradeandcargo.com

One World Trade Center, Suite #2350

Long Beach, CA 90831

Telephone: (310) 642-9800

Facsimile: (310) 868-2923

Attorneys for plaintiffs

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA and

TOMOTHERAPY INCORPORATED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA and
TOMOTHERAPY INCORPORATED,

Plaintiffs,

vs.

LEGACY TRANSPORTATION SERVICES,
INC.,

Defendant and Third-
Party Plaintiff,

vs.

UNITED VAN LINES, LLC and DTI
RIGGING,

Third-Party Defendants

Case No. C 10-00505 JSW

**STIPULATION REGARDING THE
FILING AND BRIEFING OF A MOTION
TO CLARIFY AND ADJUSTMENT OF
THE SCHEDULE FOR THE SUBMISSION
OF CROSS-MOTIONS FOR SUMMARY
JUDGMENT; [~~PROPOSED~~] ORDER
AS MODIFIED**

Pursuant to the stipulation of counsel [Docket #81] and the subsequent order of the Court rescheduling dates [Docket#82], on May 20, 2011, counsel for Plaintiffs, Travelers Property Casualty Insurance Company of America and Tomotherapy Incorporated appeared before the captioned court for a further status conference. During that conference counsel advised the

ROBERTS & KEHAGIARAS LLP
www.tradeandcargo.com

1 Court that confusion had arisen between counsel regarding the
2 meaning and effect of earlier orders made by the Court in this
3 action. The Court advised counsel of its willingness to
4 entertain a motion for clarification with regard to its earlier
5 orders. This, in turn, would allow the parties to each more
6 precisely focus their own motion for summary judgment and
7 maximize the chances that the matter would be fully resolved by
8 the intended cross motions for summary judgment and without the
9 need for trial.

10
11 The Court entered an minute order following the Management
12 Conference ordering the parties to confer and ultimately to
13 prepare and file a stipulation relating to the date for the
14 filing and briefing of a motion for clarification; adjusting
15 the existing briefing schedule for the filing and briefing of
16 the cross-motions for summary judgment contemplated by the
17 parties; and setting the matter for another Case Management
18 Conference on a date beyond the proposed argument date for the
19 cross-motions. This would allow the Court to take another look
20 at what issues (if any) remained for resolution after the
21 hearing of the parties' cross-motions for summary judgment and
22 assess what might be the most efficient manner of resolving
23 those remaining issues.

24
25 The parties have met and conferred as ordered and have
26 stipulated to the following (subject to the Court's alteration
27 of the proposed schedule for its own convenience):
28

- 1
- 2 1. Plaintiffs shall file their opening brief seeking
- 3 clarification of the meaning and import of the Court's
- 4 earlier orders on June 10, 2011.
- 5 2. Defendant, Legacy, will file its "opposition" brief on
- 6 June 20, 2011.
- 7 3. Plaintiffs will file their reply brief one week later on
- 8 June 27, 2011.
- 9 4. The hearing on the Motion for Clarification (if the oral
- 10 argument was deemed necessary) would be set for Friday,
- 11 July 8, 2011 at 9:00 am in Courtroom 11.
- 12 5. For the purpose of the following dates, it is presumed
- 13 that the Court's decision/order on the Motion for
- 14 Clarification would be issued on or before July 15,
- 15 2011.
- 16 6. The parties' opening briefs on their cross-motions for
- 17 summary judgment will be filed on August 1, 2011.
- 18 7. Briefs in opposition will be due on August 15, 2011.
- 19 8. Reply briefs will be due on August 22, 2011.
- 20 9. The cross-motions will be heard on Friday, September 2,
- 21 2011 or on another date convenient to this Court.
- 22 10. The trial date presently on calendar would be
- 23 maintained; however, alteration of those dates will be
- 24 considered at the subsequently scheduled Case Management
- 25 Conference proposed for September 16, 2011.
- 26

27 The parties also believe that the case can be most
28 efficiently resolved through the procedure they have agreed to

1 and herein propose to the Court. The parties have made one
2 prior request for rescheduling, and respectfully request that
3 the Court consider this stipulation to give the parties the
4 best chance of resolving this case without the need for an
5 expensive and time consuming trial.

6
7 DATED: May 23, 2011

ROBERTS & KEHAGIARAS LLP

8
9 By: /s/-George Hassapis
10 GEORGE HASAPIS, ESQ.
11 Attorneys for Plaintiffs
12 TRAVELERS PROPERTY CASUALTY
13 COMPANY OF AMERICA and
14 TOMOTHERAPY INCORPORATED

15
16 DATED: May 23, 2011

HIGGS, FLETCHER & MACK LLP

17 By: /s/ - George Hassapis*
18 PETER S. DOODY, ESQ.
19 Attorneys for Defendant and
20 Third-Party Plaintiff LEGACY
21 TRANSPORTATION SERVICES, INC
22 *Signed per written authority
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

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

IT IS HEREBY ORDERED that the following dates in the captioned matter are scheduled as follows:

June 10, 2011 Opening brief/Clarification motion

June 20, 2011 Opposition/Clarification motion

June 27, 2011 Reply Brief/Clarification motion

July 08, 2011 at 9:00 AM Clarification Motion hearing date

8
August ~~01~~, 2011 Opening summary judgment briefs

19
August ~~15~~, 2011 Opposition Briefs/Summary Judgment

26
August ~~22~~, 2011 Reply Briefs/Summary Judgment

09
September ~~02~~, 2011 at 9:00 AM Motion hearing date

~~September 16, 2011 at 1:30 PM Further status conference shall be set, if necessary, within the order on the motion for summary judgment.~~

~~The pretrial and trial dates shall remain unchanged; however, if it appears at the further status conference that the case~~

1 ~~would benefit from the continuance of the pretrial and trial~~
2 ~~dates, the Court will consider entering an appropriate order at~~
3 ~~that time.~~

4
5 DATED: May 25, 2011



6
7
8 HONORABLE JEFFREY S. WHITE
9 Judge, United States District
10 Court