

1 Patrick B. Streb/State Bar No. 116555  
 2 WELTIN, STREB & WELTIN  
 3 1432 Martin Luther King Jr. Way  
 4 Oakland, CA 94612  
 5 Telephone: 510-251-6060  
 6 Facsimile: 510-251-6040

7 Attorneys for Plaintiff  
 8 ERIC MONTENEGRO

9 James B. Nebel/State Bar No.69626  
 10 FLYNN, DELICH & WISE LLP  
 11 343 Sansome Street, Suite 540  
 12 San Francisco, California 94104  
 13 Telephone: 415-693-5566  
 14 Facsimile: 415-693-0410

15 Attorneys for Defendant  
 16 WAN HAI LINES (SINGAPORE) PTE LTD.

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 **FLYNN, DELICH & WISE LLP**  
 20 ATTORNEYS AT LAW  
 21 ONE WORLD TRADE CENTER, SUITE 1800  
 22 LONG BEACH, CALIFORNIA 90831-1800  
 23 (562) 435-2626

24 ERIC MONTENEGRO,

25 Plaintiff,

26 vs.

27 WAN HAI LINES (SINGAPORE) PTE LTD.,  
 28 et al.,

Defendants.

Case No.: C 10-000581 JCS

**JOINT CASE MANAGEMENT  
 STATEMENT AND STIPULATION AND  
 [PROPOSED] ORDER TO CONTINUE  
 CASE MANAGEMENT CONFERENCE**

Date: January 28, 2011  
 Time: 1:30 p.m.  
 Before: Hon. Joseph C. Spero  
 Courtroom A, 15<sup>th</sup> Floor

On January 19, 2011, the Clerk sent a Notice confirming that a case management in this matter has been set for January 28, 2011 at 1:30 p.m. The Notice included the directive that any party requesting a continuance shall submit a stipulation and proposed order.

The parties to this action, plaintiff ERIC MONTENEGRO, and defendant, WAN HAI LINES (SINAGAPORE) PTE LTD., by and through their counsel of record, submit this Case

1 Management Statement and stipulate as follows, requesting the Court to enter an Order continuing  
2 the case management conference until the time presently scheduled for the pretrial conference,  
3 April 1, 2011 at 1:30 p.m.

4 **Case Management Statement**

5 The parties have not yet been unable to complete mediation. There are two primary  
6 reasons for this. First, the prerequisites necessary to allow defendant to evaluate the case were the  
7 taking of plaintiff’s deposition and the independent medical examination of plaintiff. Both have  
8 taken place but because of delay and confusion in obtaining certain CT scans and x-rays, the  
9 physician of defendant’s choosing has not yet completed his report. The CT scans and x-rays have  
10 now been delivered and the report is expected momentarily. Second, and somewhat related to the  
11 delay described above, counsel for defendant has been undergoing treatment for prostate cancer.  
12 The regimen included 35 daily sessions of radiation therapy, which recently have been completed.  
13 The parties are now in a position to mediate this matter sometime in the month of February and  
14 will make arrangements immediately with the designated mediator to do so.

15 **Stipulation Seeking to Continue Case Management Conference**

16 1. In light of the foregoing, the parties agree that the scheduled case management

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1 conference should be rescheduled. They propose that it be held at the time of the scheduled  
2 pretrial conference, April 1, 2011 at 1:30 p.m.

3 IT IS SO STIPULATED.

4  
5 Dated: January 20, 2011

WELTIN, STREB & WELTIN LLP

6 /s/ Patrick B. Streb

7 By \_\_\_\_\_

8 Patrick B. Streb  
9 Attorneys for Plaintiff  
10 ERIC MONTENEGRO

11  
12 Dated: January 20, 2011

FLYNN, DELICH & WISE LLP

13 /s/ James B. Nebel

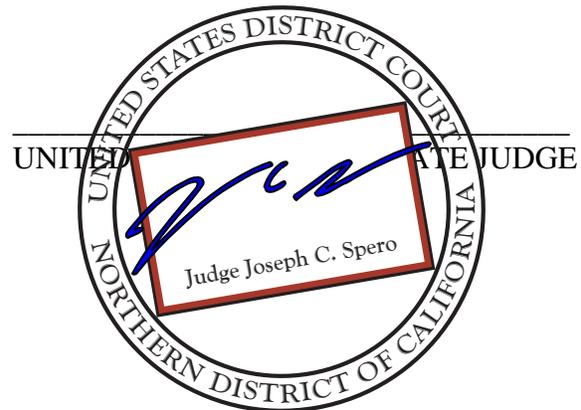
14 By \_\_\_\_\_

15 James B. Nebel  
16 Attorneys for Defendant  
17 WAN HAI LINES (SINGAPORE) PTE LTD.

18 **[PROPOSED] ORDER**

19 Pursuant to the parties' stipulation, **IT IS HEREBY ORDERED** that the case  
20 management conference in this matter that is currently scheduled for January 28, 2011 at 1:30 p.m.  
21 be rescheduled to be held at the time of the pretrial conference, April 1, 2011 at 1:30 p.m.

22 Dated: January 21, 2011

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