1 2	SHEPPARD MULLIN RICHTER & HAMPTON LLP A Limited Liability Partnership Including Professional Corporations					
3	Including Professional Corporations CHARLES S. DONOVAN, Cal. Bar No. 103667 cdonovan@sheppardmullin.com					
4	BRIAN R. BLÂCKMAN, Cal. Bar No. 1969 bblackman@sheppardmullin.com	996				
5	Four Embarcadero Center, 17th Floor San Francisco, California 94111-4109					
6	Telephone: 415-434-9100 Facsimile: 415-434-3947					
7	CARR & FERRELL LLP					
8	James W. Lucey, Cal. Bar No. 160808 jlucey@carrferrell.com					
9	120 Čonstitution Drive Menlo Park, California 94025					
10	Telephone: 650-812-3400 Facsimile: 650-812-3444					
11	Attorneys for Plaintiff					
12	UNITED STATES DISTRICT COURT					
13	NORTHERN DISTRICT OF CALIFORNIA					
14						
15	BRADFORD ISLAND RECLAMATION DISTRICT NO. 2059, by its trustees,	Case No. C 10-05980 EMC				
16	Plaintiff,	STIPULATION AND [Proposed] ORDER EXTENDING				
17	V.	CERTIFICATION DEADLINE IN CONDITIONAL DISMISSAL ORDER				
18	V. M/V PEARL BRIDGE (ex TASMAN	The Hon. Edward M. Chen				
19	RESOLUTION). IMO No. 871918, in rem, KRISTEN MARINE S.A., in personam,					
20	Defendants.					
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	CASE NO. C 10-05980 EMC	STIP. & ORDER EXTENDING CERTIFICATION DEADLINE IN CONDITIONAL DISMISSAL ORDER Dockets.Justia.com				

2 defendants Kristen Marine, S.A. and M/V PEARL BRIDGE (ex TASMAN 3 RESOLUTION). IMO No. 871918, (collectively "Defendants"), by and through their 4 counsel, stipulate: 5 1. The District filed its Verified Complaint In Admiralty on December 30, 2010, alleging defendant vessel struck and damaged the Bradford Island levee. 6 7 (Dkt. No. 1.) 2. 8 Defendants answered the Complaint on March 15, 2011 and March 22, 2011, alleging various defenses. (Dkt. Nos. 6 and 8.) 9 3. 10 Following a Settlement Conference before Magistrate Judge Joseph C. Spero, the parties agree to settle the action and filed a notice of settlement with the Court 11 12 on April 3, 2012. (Dkt. No. 37.) 13 4. On April 6, 2012, the Court entered an order conditionally dismissing the action, unless a party certified to the Court, with a proof of service of a copy on opposing 14 15 counsel, within 90-days, that the agreed consideration for the settlement had not been delivered. (Dkt. No. 39.) The ninety-day deadline expires on July 5, 2012. 16 5. 17 The parties are still in the process of concluding their settlement. The 18 process has taken longer than expected due to the cancellation of the District's June 2012 19 Board of Directors meeting where the Settlement Agreement was to be presented for 20 approval and execution. The Board meeting has been rescheduled for July 3, 2012, which 21 will not leave sufficient time to circulate a fully executed agreement and transfer the 22 settlement consideration prior to the certification deadline set forth in the Court conditional dismissal order. 23 24 6. The parties respectfully request the Court extend the certification deadline set forth in its conditional dismissal order (Dkt. No. 39) by two weeks to July 19, 2012 to 25 26 give the parties time to complete their settlement.

Plaintiff Bradford Island Reclamation District No. 2059 (the "District") and

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## IT IS SO STIPULATED.

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1	Date: June 27, 2012			
2	SHEPPARD MULLIN RICHTER & HAMPTON LLP			
3				
4	By /s/ Brian R. Blackman			
5	CHARLES S. DONOVAN BRIAN R. BLACKMAN			
6	Attorneys for Plaintiff Dated: June 27, 2012			
7	KEESAL YOUNG & LOGAN LLP			
8	KEESAL TOUNG & LOGAN LEP			
9	By /s/ John D. Giffin			
10	JOHN D. GIFFIN			
11	JOHN COX Attorneys for Defendants			
12	ODDED			
13	ORDER Having considered the partice' stipulation and good cause appearing, the Court			
14 15	Having considered the parties' stipulation and good cause appearing, the Court OPDERS THAT if any party cartifies to this Court, with a proof of service of a copy on			
15 16	ORDERS THAT if any party certifies to this Court, with a proof of service of a copy on opposing counsel, on or before July 19, 2012, that the agreed consideration for the parties'			
10	settlement has not been delivered, then the Court's dismissal Order dated April 6, 2012			
18				
19	IT IS SO ORDERED.			
20	Dated: J <del>uly, 2012</del> June 28, 2012			
21	E DEBED E			
22	IT IS SO ORDERED			
23	ED United United M. Chen			
24	United Judge Edward M. Chen			
25				
26	THERN DISTRICT OF CR			
27				
28				
	-2- CASE NO. C 10-05980 EMC STIP. & ORDER EXTENDING CERTIFICATION			
	DEADLINE IN CONDITIONAL DISMISSAL ORDER			

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1			<u>RTIFICATION</u>
2	I, Brian Blackman, am the ECF User whose identification and password are being		
3	used to file this Stipulation and [Proposed] Order Extending Certification Deadline In		
4	Conditional Dismissal Order. In compliance with General Order 45.X.B., I hereby attest		
5	that John D. Giffin concurs in this	filing	
6	Dated: June 27, 2012	SHE	PPARD MULLIN RICHTER & HAMPTON LLP
7			
8		By	<u>/s/ Brian R. Blackman</u> BRIAN R. BLACKMAN
9			Attorney for Plaintiff
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	CASE NO. C 10-05980 EMC		STIP. & ORDER EXTENDING CERTIFICATION DEADLINE IN CONDITIONAL DISMISSAL ORDER