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11			
12	IN THE UNITED STATES DISTRICT COURT		
13	NORTHERN DISTRICT OF CALIFORNIA		
14			
1 [			

MITSUI O.S.K. LINES, LTD.

Plaintiff,

Vs.

SEAMASTER LOGISTICS, INC.; SUMMIT LOGISTICS INTERNATIONAL, INC.; and AMERICAN GLOBAL LOGISTICS LLC,

Defendants.

Defendants.

Case No.: C 11-02861 MEJ

STIPULATION RE: BRIEFING
SCHEDULE FOR MOTIONS TO
DISMISS; PROPOSED ORDER
THEREON

Judge: Hon. Maria Elena James
Courtroom B, 15<sup>th</sup> Floor
Date: February 16, 2012
Time: 10:00 a.m.

## STIPULATION RE: BRIEFING SCHEDULE FOR 12(b)(6) MOTIONS TO DISMISS

Plaintiff Mitsui O.S.K. Lines, Ltd. ("MOL") and defendants SEAMASTER LOGISTICS, INC., TOLL GLOBAL FORWARDING (AMERICAS) INC. (formerly known as SUMMIT LOGISTICS INTERNATIONAL, INC.) ("SeaMaster/Toll") and American Global Logistics LLC ("AGL) hereby stipulate as follows. SeaMaster/Toll have filed a motion to dismiss the First Amended Complaint under Rule 12(b)(6) in this action, originally set for hearing on January 26,

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STIPULATION AND PROPOSED ORDER

Case No.: C 11-02861 MEJ

# FLYNN, DELICH & WISE LLP ATTORNEYS AT LAW 343 SANSOME STREET, SUITE 540 SAN FRANCISCO, CALIFORNIA 94104 (415) 693-5566

1	2012, with opposition due December 30, 2011 and reply due January 6, 2012. At MOL's		
2	request, this hearing has been re-noticed by SeaMaster/Toll to February 16, 2012. AGL has also		
3	filed a partial motion to dismiss the First Amended Complaint under Rule 12(b)(6) in this action,		
4	set for hearing on February 16, 2012, with opposition due December 30, 2011 and reply due		
5	January 6, 2012. Because the motions challenge the same pleading and in some respects address		
6	similar issues, and because the prior hearing schedule and current briefing schedule resulted in		
7	significant calendar conflicts to counsel, the parties have agreed to reschedule the earlier-		
8	scheduled motion to be heard concurrently with the later-scheduled motion, and to request that		
9	the Court move dates for the opposition and reply closer to the combined hearing date, resulting		
10	in a proposed combined hearing and briefing schedule as follows:		
11	Hearing on both motions: Febru	ary 16, 2012	
12	Opposition to both motions: Janua	ry 19, 2012	
13	Reply to both motions: Febru	ary 2, 2012	
14	DATED: December 19, 2011	FLYNN DELICH & WISE LLP	
15		<b>D</b> / /	
16		By /s/ Erich Wise/Conte C. Cicala	
17		Attorneys for Plaintiff MITSUI O.S.K. LINES, LTD.	
18	DATED: December 19, 2011	EMARD DANOFF PORT TAMULSKI	
19		& PAETZOLD, LLP	
20		By:/s/	
21		Eric Danoff /Katharine Essick Attorneys for Defendants & Counterclaimants	
22		SEAMASTER LOGISTICS, INC. and TOLL GLOBAL FORWARDING (AMERICAS)	
23		INC.	
24	DATED: December 19, 2011	LAW OFFICES OF KIRK B. FREEMAN	
25		and BERNAN FINK VAN HORN P.C.	
26		Bv /s/	
27		By /s/ Benjamin Fink / Neal Weinrich Attorneys for Defendant	
28		AMERICAN GLOBAL LOGISTICS LLC	

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STIPULATION AND PROPOSED ORDER Case No.: C 11-02861 MEJ

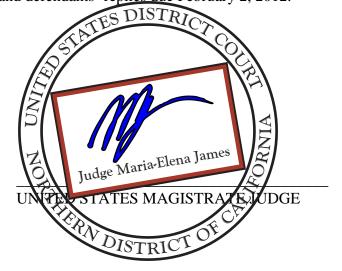
# FLYNN, DELICH & WISE LLP

## **PROPOSED** ORDER

Based on the foregoing stipulation and good cause having been found, it is hereby ordered that the motions to dismiss of all defendants herein shall be heard on February 16, 2012, with MOL's oppositions due January 19, 2012 and defendants' replies due February 2, 2012.

IT IS SO ORDERED.

Dated: December 20, 2011



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STIPULATION AND PROPOSED ORDER Case No.: C 11-02861 MEJ