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15 Attorneys for Defendant  
 16 United States of America

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

20	GEORGE LOCKETT,	)	CASE NO. 3:12-cv-05448-MMC
21	Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
22	vs.	)	ORDER CONTINUING TRIAL DATE
23		)	AND EXTENDING EXPERT
24	THE UNITED STATES OF AMERICA,	)	DISCOVERY
25	Defendant	)	

1 Plaintiff GEORGE LOCKETT (“Plaintiff”) and Defendant THE UNITED STATES OF  
2 AMERICA (“Defendant”) (collectively referred to as the “Parties”) hereby submit the following  
3 Stipulation and Proposed Order Continuing Trial Date and Extending Expert Discovery:  
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5 **RECITALS AND STIPULATION**

6 WHEREAS percipient discovery is complete and the Parties are set to proceed to a three to  
7 five day bench trial on December 9, 2013 (with pretrial filings due on November 5, 2013); and

8 WHEREAS Plaintiff has retained only one expert to testify at trial, marine safety expert  
9 Captain Mitchell Stoller, and Plaintiff considers the need for such an expert to be critical to the fair  
10 presentation of his case at trial; and

11 WHEREAS Captain Stoller has suffered medical complications following surgery that have  
12 resulted in his doctors prohibiting him from working, including drafting reports, appearing for  
13 depositions; and testifying at trial; and

14 WHEREAS Captain Stoller is expected to make a full recovery and to be able to testify in  
15 this case, but he is not currently available for deposition, and he may well not be available at the time  
16 of the current December trial date; and

17 WHEREAS counsel for the United States have just returned to work after being off for the  
18 duration of the federal government shut down, and are severely back logged on other cases; and

19 WHEREAS the Parties are confident that the above problems will have been resolved by  
20 January of 2014, and are available for trial during most times in February and March of 2014:

21 WHEREFORE the Parties propose, stipulate and request that the Court continue the trial of  
22 this matter from December 9, 2013, to a date in late March or April of 2014, with expert discovery to  
23 be open until 60 days before trial, and the pretrial conference and filings to be set at the convenience  
24 of the Court.

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1           **SO STIPULATED.**

2 DATED: October 28, 2013

Brodsky Micklow Bull & Weiss Llp

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By: /s/ Edward M. Bull III  
Eugene A. Brodsky  
Edward M. Bull III

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Attorneys for Plaintiff  
GEORGE LOCKETT

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8 DATED: October 28, 2013

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By: /s/ Eric J. Kaufman-Cohen  
Eric J. Kaufman-Cohen

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Attorneys for Defendant  
THE UNITED STATES OF AMERICA

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**CERTIFICATE OF SIGNATURE**

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I attest that the content of this document is acceptable to attorney Eric J. Kaufman-Cohen  
and that he authorized me to sign the document on his behalf.

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/s/ Edward M. Bull III

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~~PROPOSED~~ ORDER

Having reviewed the Stipulation and Proposed Order Continuing Trial Date and Extending Expert Discovery, and finding that good cause exists to grant the relief requested, IT IS HEREBY ORDERED THAT:

1. The current expert discovery, pretrial and trial dates set by the Court are hereby VACATED; and

2. The following new dates are set:

- A. Trial Date: April 14, 2014, at 9:00 a.m.
- B. Pretrial Conference: April 1, 2014, at 3:00 p.m.
- C. Pretrial Filings: Per Pretrial Prep. Order filed February 5, 2013
- D. Expert Discovery Cut-off: February 14, 2014

DATED: October 30, 2013

  
UNITED STATES DISTRICT JUDGE