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 6 HAPAG LLOYD AG

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

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 11 DRESSER-RAND, COMPANY and ) Case No. C 13-0371-JCS  
 D-R HOLDINGS (FRANCE), S.A.S., )  
 12 ) **STIPULATION REGARDING**  
 Plaintiffs, ) **JURISDICTION**  
 13 )  
 vs. )  
 14 )  
 RED\LINE INTERNATIONALE )  
 15 SPEDITION, GMBH; HAPAG LLOYD AG;) )  
 SSA MARINE, INC.; and STARR )  
 16 INDEMNITY & LIABILITY COMPANY, )  
 )  
 17 Defendants. )  
 )

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 19 The Parties hereto, by and through their counsel of record, hereby stipulate as  
 20 follows:

21 1. Dresser-Rand, GmbH (“Dresser-Rand”) has initiated legal proceedings in  
 22 Germany against unserved Defendant Red\Line Internationale Spedition, GmbH  
 23 (“Red\Line”), for the recovery of those damages alleged in Plaintiffs’ Complaint in the  
 24 above-entitled action.

25 2. Red\Line in turn has initiated indemnity proceedings in the Courts of  
 26 Hamburg, Germany against Hapag-Lloyd AG (“Hapag-Lloyd”) for any losses it sustains  
 27 as a result of the legal action brought by Dresser-Rand, GmbH against Red\Line  
 28 Internationale Spedition, GmbH in the German Courts.

1           3.       Dresser-Rand and Red\Line have agreed to resolve Dresser-Rand's claim  
2 against Red\Line as set forth in the German proceedings, and Red\Line has agreed to  
3 dismiss its legal action in the Hamburg, Germany Courts against Hapag Lloyd, so long  
4 as Hapag-Lloyd agrees to submit to the jurisdiction of this Court for the purpose of  
5 resolving those claims alleged in Plaintiffs' Complaint herein, the alleged claims of  
6 Red\Line having been assigned to Dresser-Rand by agreement between those parties.

7           4.       In exchange for the full and complete dismissal of the proceedings in  
8 Germany against Hapag-Lloyd relating to the damaged cargo identified in Plaintiffs'  
9 Complaint herein, and in exchange for the agreement of Dresser-Rand and Red\Line  
10 that claims against Hapag-Lloyd and all other Hapag-Lloyd companies arising from such  
11 damage will only be brought against Hapag-Lloyd in this Court, Hapag-Lloyd agrees to  
12 submit to the jurisdiction of this Court for purpose of defending against those claims.  
13 Further, Hapag-Lloyd agrees that it will not assert any defenses, in this action, based on  
14 jurisdiction and venue as may be allowed by its Bill of Lading or Red\Line's Bill of  
15 Lading or otherwise.

16           5.       The Parties hereto agree that by Hapag-Lloyd submitting to jurisdiction  
17 and venue in this Court for those claims alleged in Plaintiffs' complaint herein and for  
18 those claims assigned to Dresser-Rand from Red\Line, Hapag-Lloyd waives no other  
19 defenses and that it reserves all other rights and defenses including, but not limited to,  
20 the right to assert limitations of liability as allowed by relevant Bills of Lading, and  
21 applicable law, and all other available defenses.

22           6.       All other parties hereto reserve all of their rights and defenses.

23           IT IS SO STIPULATED.

24  
25 DATED: October \_\_\_\_, 2013

26           /s/ Roland Nikles  
27           ROLAND NIKLES  
28           ROGERS JOSEPH O'DONNELL  
              Attorneys for Plaintiffs

1 DATED: October \_\_\_\_, 2013

/s/ Thomas L. Rosenberg  
THOMAS L. ROSENBERG  
ROETZEL & ANDRESS  
Attorneys for Plaintiffs

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4  
5 DATED: October \_\_\_\_, 2013

/s/ Conte C. Cicala  
CONTE C. CICALA  
FLYNN, DELICH & WISE LLP  
Attorneys for Defendant SSA Terminals  
(Oakland) LLC

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8  
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10 DATED: October 22, 2013

/s/ John D. Giffin  
JOHN D. GIFFIN  
KEESAL, YOUNG & LOGAN  
Attorneys for Defendant  
HAPAG LLOYD AG

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13  
14 Filer's Attestation: Pursuant to Civil Local Rule 5-1 (i)(3) regarding signatures, John D.  
15 Giffin hereby attests that concurrence in the filing of this document has been obtained.

16  
17 Dated: 10/23/13

