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6 Attorneys for Defendants  
 SEALIFT, INC. and SCOTT MOSER

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

QAIS AHMED,

Case No.: 14 CV 00823 JD

Plaintiff,

**STIPULATION AND**

vs.

SCOTT MOSER, SEALIFT, INC., and  
 UNITED STATES OF AMERICA,

Defendants.

1 **Stipulation**

2       Whereas,

3           1.       Based upon events that occurred while he was working on a ship in Asia, plaintiff  
4 Qais Ahmed brought this employment-related action against: (1) the United States of America  
5 under the Suits in Admiralty Act; (2) his employer, Sealift, Inc. for violation of Title VII; and (3)  
6 his former supervisor, Capt. Scott Moser, for violation of 42 U.S.C. § 1981 and intentional torts;

7           2.       On July 15, 2014, this Court granted the United States’ motion to dismiss for lack  
8 of subject matter jurisdiction and dismissed it from the action;

9           3.       Pending before the Court is Sealift’s motion to dismiss the Title VII claim  
10 asserted against it on the ground of improper venue, or else to sever and transfer that claim to the  
11 Eastern District of New York, where Sealift asserts venue would be proper under Title VII;

12           4.       Also pending before the Court is the motion by defendant Capt. Scott Moser, a  
13 resident of Florida, to dismiss the claims against him based upon the Court’s lack of personal  
14 jurisdiction;

15           5.       Plaintiff has taken discovery on the issues raised by these motions and has until  
16 December 26, 2014 to file oppositions to the motions based upon that discovery;

17           6.       Title 28 of the United States Code, Section 1404(a), provides that “For the  
18 convenience of parties and witnesses, in the interest of justice, a district court may transfer any  
19 civil action ... to any district or division to which all parties have consented”;

20           7.       Following meet and confer efforts, the parties have consented to the transfer of  
21 this action to the Eastern District of New York, Central Islip Division, if the Court so allows;

22           8.       For the following reasons, this Court’s transfer of the action to the Eastern  
23 District of New York, Central Islip Division, would promote the convenience of the parties and  
24 witnesses and would be in the interest of justice;

25               a.       Unless the parties agree to one court where all of Plaintiff’s claims can be  
26                        tried, it is possible that Plaintiff will need to pursue his claims against each  
27                        defendant in separate courts;

28               b.       Although Plaintiff asserts different claims against each defendant, there is

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significant overlap of witnesses and records, such that it would be more convenient for Plaintiff, Sealift, Capt. Moser, and the witnesses if the claims can be resolved in a single proceeding in the most conveniently located district court;

c. The Eastern District of New York is closer and much more convenient to defendant Scott Moser, an individual residing in Florida, than the Northern District of California;

d. To avoid duplicative proceedings and for greater convenience, Capt. Moser will consent to the personal jurisdiction of the Eastern District of New York, Central Islip Division, if this Court transfers the case there;

e. The Eastern District of New York is also more convenient for the majority of key witnesses, most of whom reside in that District or elsewhere on the East Coast; and

f. The relevant employment records are located at Sealift’s offices in the Eastern District of New York on Long Island.

Based on the foregoing, the parties respectfully request that the Court transfer this action to the Eastern District of New York, Long Island Courthouse, Central Islip Division, pursuant to 28 U.S.C. § 1404(a).

DATED: December 5, 2014

BERSCHLER ASSOCIATES, PC

By           /s/ Arnold I. Berschler            
Arnold I. Berschler  
Attorneys for Plaintiff  
QAIS AHMED

DATED: December 5, 2014

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By           /s/ Katharine Essick            
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