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10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

11 REGINALD ATTEBURY,

12 Plaintiff,

13 v.

14 TRIPLE STAR LLC, and DOES 1-5, *in*
 15 *personam*, and F/V TRIPLE STAR, her
 engines, tackle, apparel, furniture,
 16 and appurtenances, *in rem*,

17 Defendants.
 18

At Law or In Admiralty

No. 3:14-cv-03039-SC

**[PROPOSED] ORDER GRANTING
 STIPULATED MOTION FOR
 CONTINUANCE**

19 Pursuant to the Stipulated Motion to Continue Trial and
 20 Pretrial Deadlines, IT IS HEREBY ORDERED THAT:

21 (1) This case is set for trial on **Monday, March 28, 2016**
 22 **at 9:30 a.m.**, or as soon thereafter as the court may
 23

{28009-00129548;1}

[PROPOSED] ORDER GRANTING MOTION FOR CONTINUANCE
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1 designate, all counsel having been advised that they must be
2 prepared to go to trial on a trailing basis. This order shall
3 also apply to all trial continuance dates.

4 (2) All discovery shall be completed and all depositions
5 taken by **January 8, 2016**.

6 (2) The deadline for the parties to complete private
7 mediation is **January 22, 2016**.

8 (4) The last hearing date for motions, to be noticed in
9 accordance with Civil Local Rule 7-2, is **Friday, February 12, 19**
10 **2016, at 10:00 a.m.** Counsel should check this Court's
11 scheduling notes for available dates prior to noticing any
12 motions for hearing.

13 (5) All counsel shall meet prior to the pretrial
14 conference to discuss the preparation of a joint pretrial
15 statement and possible settlement of the action. Within one
16 week thereafter, all counsel shall sign and file a written
17 statement briefly summarizing the result of said conference,
18 insofar as possible settlement is concerned.

19 (6) A pretrial conference shall be held before the court
20 on **Friday, March 18, 2016, at 10:00 a.m.**

21 (7) Motions in Limine will be heard at the pretrial
22 conference. Motions in limine are to be filed and served no
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1 later than ten (10) days prior to the pretrial conference,
2 oppositions are to be filed and served no later than five (5)
3 days prior to the pretrial conference.

4 (8) Not less than fourteen calendar days prior to the
5 date set for trial, the parties shall:

6 (a) serve and file trial briefs;

7 (b) submit a list of the witnesses, including expert
8 witnesses, they intend to present and any Daubert challenges
9 (if not presented they will be deemed waived), the order of
10 presentation, and an estimate of testimony time (both direct
11 and cross), and a brief statement as to the content of the
12 witness' testimony. No witnesses other than those on said list
13 shall be allowed to testify (except upon express order of the
14 court), also with reference to expert witnesses, FRCP Rule 26
15 will be adhered to and applied;

16 (c) serve and file statements designating excerpts
17 from depositions (specifying the witness and page and line
18 references), from interrogatory answers and from responses to
19 requests for admission to be offered at the trial other than
20 for impeachment or rebuttal;

21 (d) exchange copies of all exhibits to be offered
22 and all schedules, summaries, diagrams and charts to be used
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1 at the trial other than for impeachment or rebuttal. Upon
2 request, a party shall make the original or the underlying
3 documents of any exhibit available for inspection and copying.
4 Each proposed exhibit shall be premarked for identification in
5 a manner clearly distinguishing plaintiff from defendant, and
6 a list of exhibits shall be prepared by each party.

7 (9) (a) If a jury trial has been demanded, the parties
8 shall not less than fourteen days before the date set for
9 trial, e-file with the court, proposed voir dire questions, a
10 complete set of proposed jury instructions and verdict form
11 upon which they have agreed, including all standard
12 instructions regarding the role of jurors, organization of the
13 jury, communication with the court, etc. At the same time,
14 each party shall e-file with the court, all proposed jury
15 instructions upon which any other party does not agree, noting
16 the corresponding instruction, if any, being lodged by the
17 other party. Each proposed instruction shall (i) be concise
18 and free from argument; (ii) show the identity of the offering
19 party; (iii) be typewritten in full on separate pages; (iv) be
20 consecutively numbered; and (v) set forth specific citations
21 to supporting authority.
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1 (b) If a non-jury trial is requested, each party
2 must submit proposed findings of fact and conclusions of law
3 and form of judgment at least fourteen days before trial.

4 (10) Each party shall see to it that all depositions are
5 brought to court on the trial date.

6 (11) No provisions of the order may be changed except by
7 order of this court upon its own motion, or upon motion of one
8 or more parties made pursuant to Civil Local Rule 7.

9 (12) Failure to strictly comply fully with each and all
10 provisions of this order will be deemed sufficient grounds to
11 impose sanctions, which may include dismissal of the action,
12 dismissal of cross-complaint, dismissal of defenses, or
13 refusal of testimony of witnesses not listed per 7(b) above.
14

15 DATED this 17 day of June, 2015.
16

17 
18 _____
19 UNITED STATES DISTRICT JUDGE