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Attorneys for Defendant,
OCEAN ANGEL IV, LLC

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

MEN NGUYEN, Surviving Spouse of
TOAN TRAN,

Plaintiff,

v.

OCEAN ANGEL IV, LLC, and DOES 1
through 10, inclusive *in personam*, and
the Fishing Vessel, OCEAN ANGEL IV,
and her engines, tackle, apparel, etc., *in*
rem,

Defendants.

Case No. 3:16-cv-04023-JST

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING TRIAL DATE
AND ASSOCIATED DEADLINES**

Complaint Filed: July 15, 2016
Trial Date: June 25, 2018
Judge: Hon. Jon S. Tigar

1 Plaintiff MEN NGUYEN, Surviving Spouse of TOAN TRAN (“Plaintiff”) and
2 Defendant OCEAN ANGEL IV, LLC, *in personam*, and the Fishing Vessel, OCEAN ANGEL
3 IV, and her engines, tackle, apparel, etc., *in rem* (“Defendants”) hereby jointly submit this
4 Stipulation and Proposed Order to Continue Trial Date and Related Deadlines. There have been
5 no prior trial date continuances in this action.

6 On July 15, 2016, Plaintiff filed a complaint for personal injury, negligence under the
7 Jones Act, and breach of the warranty of seaworthiness under the General Maritime Law. On
8 May 24, 2017, this Court issued its Scheduling Order regarding ADR and Trial Dates. In that
9 Scheduling Order, this Court set a Trial Date of June 25, 2018.

10 Good cause now exists to continue this trial date for the following reasons: (1) The
11 parties have a confirmed date for the private mediation of this matter on January 17, 2018; (2)
12 the parties have expended significant efforts to locate critical witnesses—including eyewitnesses
13 to the decedent’s heart attack and Dr. Thai Vinh Tran, the retired former physician of the
14 decedent—but have so far been unsuccessful in those efforts; (3) the parties continue to meet and
15 confer regarding discovery issues in the hopes of avoiding motion practice; (4) defendant Ocean
16 Angel IV, LLC, is the owner of an active fishing vessel, and it is currently fishing season.
17 Accordingly, the availability of the vessel’s captain, Mr. David Tibbles, is limited. Plaintiff has
18 no desire to disturb the operation of the vessel or the livelihood of her crew, and has agreed to
19 postpone Mr. Tibbles’ deposition at least until the completion of private mediation.

20 The parties, having met and conferred, agree that a 90-day extension to the trial date and
21 related dates is therefore warranted.

22 The parties therefore stipulate and respectfully request that this Court grant the proposed
23 order below and extend the trial date and associated deadlines by 90 days, or as soon thereafter
24 as this Court is able to accommodate trial.

25 Based on the foregoing, the parties respectfully request that this Court continue the
26 pretrial and trial deadlines in the following manner:
27
28

Event	Current Deadline	Proposed Deadline
Fact discovery cut-off	January 1, 2018	April 1, 2018
Expert disclosures	January 15, 2018	April 15, 2018
Expert rebuttal	February 1, 2018	May 2, 2018
Expert discovery cut-off	March 1, 2018	May 30, 2018
Deadline to file dispositive motions	March 9, 2018	June 7, 2018
Pretrial conference statement due	May 22, 2018	August 20, 2018
Pretrial conference	June 1, 2018 at 2:00 p.m.	August 30, 2018 at 2:00 p.m.
Trial	June 25, 2018 at 8:30 a.m.	September 24, 2018 at 8:30 a.m.
Estimate of trial length (in days)	Twelve	Twelve

Dated: December 15, 2017

Respectfully Submitted,

DL LAW GROUP

By: /S/ Katie J. Spielman

David M. Lilienstein, Esq.

Katie J. Spielman, Esq.

Attorneys for Plaintiff MEN NGUYEN, Surviving
Spouse of TOAN TRAN

Dated: December 15, 2017

Respectfully Submitted,

**COX, WOOTTON, LERNER, GRIFFIN &
HANSEN, LLP**

By: /S/ Marc A. Centor

Marc A. Centor

Attorney for Defendants OCEAN ANGEL IV, LLC
and F/V OCEAN ANGEL IV

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 15, 2017

Respectfully Submitted,
DL LAW GROUP

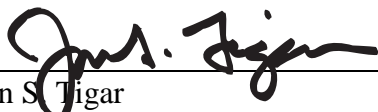
By: /S/ Katie J. Spielman
David M. Lilienstein, Esq.
Katie J. Spielman, Esq.
Attorneys for Plaintiff MEN NGUYEN, Surviving
Spouse of TOAN TRAN

~~[PROPOSED]~~ ORDER

IT IS ORDERED that the trial in this action is continued to September 24, 2018. **IT IS FURTHER ORDERED** that pretrial and trial deadlines are likewise continued by 90 days as set forth below.

Event	Current Deadline	Proposed Deadline
Fact discovery cut-off	January 1, 2018	April 1, 2018
Expert disclosures	January 15, 2018	April 15, 2018
Expert rebuttal	February 1, 2018	May 2, 2018
Expert discovery cut-off	March 1, 2018	May 30, 2018
Deadline to file dispositive motions	March 9, 2018	June 7, 2018
Pretrial conference statement due	May 22, 2018	August 20, 2018
Pretrial conference	June 1, 2018 at 2:00 p.m.	August ³¹ 30 , 2018 at 2:00 p.m.
Trial	June 25, 2018 at 8:30 a.m.	September 24, 2018 at 8:30 a.m.
Estimate of trial length (in days)	Twelve	Twelve

Dated: December 18, 2017


Jon S. Tigar
United States District Judge