

Gordon Rees Scully Mansukhani, LLP  
315 Pacific Avenue  
San Francisco, CA 94111

1 ANDREW I. PORT (SBN: 120977)  
2 [aport@grsm.com](mailto:aport@grsm.com)  
3 LEA M. LUTERSTEIN (SBN: 337399)  
4 [lluterstein@grsm.com](mailto:lluterstein@grsm.com)  
5 GORDON REES SCULLY MANSUKHANI, LLP  
6 315 Pacific Avenue  
7 San Francisco, CA 94111  
8 Tel: (415) 986-5900  
9 Fax: (415) 986-8054

10 Attorneys for Specially Appearing Defendant  
11 APL MARINE SERVICES, LTD.

12 Aaron A. Hayes (SBN: 236122)  
13 [ahayes@ohaganmeyer.com](mailto:ahayes@ohaganmeyer.com)  
14 O'HAGAN MEYER LLP  
15 2560 Huntington Avenue, Suite 204  
16 Alexandria, VA 22303  
17 Tel: (415) 275-3541  
18 Fax: (415) 578-6910

19 Attorneys for Specially Appearing Defendant  
20 JOHN FREDERICK DAYLOR

21 Gretchen M. Nelson (State Bar No. 112566)  
22 Carlos F. Llinás Negret (State Bar No. 284746)  
23 NELSON & FRAENKEL LLP  
24 601 South Figueroa Street, Suite 2050  
25 Los Angeles, CA 90017  
26 Tel: 213-622-6469  
27 Fax: 213-622-6019  
28 Email: [cllinas@nflawfirm.com](mailto:cllinas@nflawfirm.com)  
Email: [gnelson@nflawfirm.com](mailto:gnelson@nflawfirm.com)

Attorneys for Plaintiff  
MATTHEW RUSSO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW RUSSO,  
  
Plaintiff,  
  
v.  
  
APL MARITIME LTD, APL MARINE  
SERVICES, LTD, AMERICAN PRESIDENT  
LINES, LLC, CMA CGM (AMERICA) LLC,  
CMA-CGM S.A., JOHN FREDERICK  
DAYLOR,  
  
Defendants.

Case No. 3:24-cv-06300-MMC

**STIPULATION TO TRANSFER VENUE  
TO U.S. DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA,  
ALEXANDRIA DIVISION**

**AND ORDER THEREON**

1 By and through their respective counsel of record, Plaintiff MATTHEW RUSSO  
2 (“Plaintiff”) and Specially Appearing Defendants APL MARINE SERVICES, LTD., and  
3 JOHN FREDERICK DAYLOR (“Specially Appearing Defendants,” and collectively with  
4 Plaintiff “the Parties”) hereby agree and stipulate as follows:

5 WHEREAS Plaintiff filed a Complaint for Damages (“Complaint”) on September 6,  
6 2024 against Specially Appearing Defendants and other entities that have since been dismissed  
7 from this action, alleging causes of action for Jones Act negligence, unseaworthiness,  
8 intentional infliction of emotional distress, negligent infliction of emotional distress, sexual  
9 harassment, and the intentional tort of battery.

10 WHEREAS Specially Appearing Defendants were served with the Summons and  
11 Complaint in October 2024 and neither Defendant has responded to Plaintiff’s Complaint to  
12 date.

13 WHEREAS the Parties have agreed, through their counsel and pursuant to 28 U.S.C. §  
14 1404(a), to transfer venue of this action from the above-captioned Court to the United States  
15 District Court for the Eastern District of Virginia, Alexandria Division.

16 WHEREAS, as part of the Parties’ meet and confer obligations, Specially Appearing  
17 Defendant APL MARINE SERVICES, LTD. informed Plaintiff it is headquartered in Virginia,  
18 and of its intention to file a motion to transfer venue to the Eastern District of Virginia;

19 WHEREAS, in pleadings seeking to continue his deadline to appear in this Action,  
20 Specially Appearing Defendant JOHN FREDERICK DAYLOR made representations to the  
21 Court he is not a Californian resident, and intended to challenge this Court’s jurisdiction;

22 WHEREAS to avoid the expense and delay of motion practice between the Parties, a  
23 stipulated transfer will not result in prejudice to any of the Parties and will serve the  
24 convenience of the Parties and witnesses and the interest of justice;

25 WHEREAS, as a condition of the expedited transfer and change of venue, Plaintiff, and  
26 Specially Appearing Defendants APL MARINE SERVICES, LTD., and JOHN FREDERICK  
27 DAYLOR, agree to submit themselves to the personal jurisdiction and venue of the United  
28 States District Court for the Eastern District of Virginia;

1 WHEREAS, the parties agree that the Plaintiff's causes of action alleged in the  
2 Complaint [Dkt. 1], alleging Jones Act negligence, Unseaworthiness, Intentional Infliction of  
3 Emotional Distress, Negligent Infliction of Emotional Distress, Sexual Harassment and  
4 Intentional Tort of Battery, were tolled when the Complaint was filed in the Northern District  
5 of California, on September 6, 2024 [Dkt.1], and agree that the tolling of Plaintiff's causes of  
6 action will remain through the period of time until this action is formally transferred and  
7 accepted by the Eastern District of Virginia

8 IT IS HEREBY STIPULATED AND AGREED:

9 1. The Parties agree to transfer venue of this action from the instant Court to the  
10 United States District Court for the Eastern District of Virginia, Alexandria Division.

11  
12 IT IS SO STIPULATED.

13 Dated: December 30, 2024

GORDON REES SCULLY MANSUKHANI, LLP

14 By: /s/Andrew I. Port  
15 ANDREW I. PORT  
16 LEA M. LUTERSTEIN  
17 Attorneys for Specially Appearing  
18 Defendant  
19 APL MARINE SERVICES, LTD.

20 Dated: December 30, 2024

O'HAGAN MEYER LLP

21 By: /s/Aaron A. Hayes  
22 AARON A. HAYES  
23 Attorneys for Specially Appearing  
24 Defendant  
25 JOHN FREDERICK DAYLOR

26 Dated: December 30, 2024

NELSON & FRAENKEL LLP

27 By: /s/Carlos F. Llinás Negret  
28 GRETCHEN M. NELSON  
CARLOS F. LLINÁS NEGRET  
Attorneys for Plaintiff  
MATTHEW RUSSO

Gordon Rees Scully Mansukhani, LLP  
315 Pacific Avenue  
San Francisco, CA 94111

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

Pursuant to 28 U.S.C. § 1404(a) and the Stipulation between Plaintiff MATTHEW RUSSO and Specially Appearing Defendants APL MARINE SERVICES, LTD., and JOHN FREDERICK DAYLOR filed on December 30, 2024, the above-referenced case is hereby transferred to the United States District Court for the Eastern District of Virginia, Alexandria Division.

**IT IS SO ORDERED.**

Dated: January 6, 2025

  
\_\_\_\_\_  
JUDGE MAXINE M. CHESNEY