

1 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP  
 James J. Tamulski (State Bar #64880)  
 2 Jared A. Washkowitz (State Bar #226211)  
 49 Stevenson Street, Suite 400  
 3 San Francisco, CA 94105  
 Telephone: (415) 227-9455  
 4 Facsimile: (415) 227-4255  
 E-Mail: jtamulski@edptlaw.com  
 5 jwashkowitz@edptlaw.com

6 Attorneys for Defendants Attorneys for Defendants REDERIET OTTO  
 DANIELSEN, and K.S. ARIES SHIPPING  
 7  
 8

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 LORI WADE, individually and as Personal  
 13 Representative of PAUL ALAN WADE,  
 Deceased.

14 Plaintiff,

15 vs.

16 TSCHUDI SHIPPING COMPANY, A.S.,  
 17 REDERIET OTTO DANIELSEN, ARIES  
 MARITIME TRANSPORT, LTD., FIRST  
 18 BALTIC SHIP MANAGMENT, A.S.

19 Defendants.

Case No.: C 07 5487 CW

**STIPULATION TO EXTEND  
 DEADLINE TO COMPLETE ADR  
 FROM OCTOBER 31, 2008 UNTIL  
 MARCH 27, 2009; ~~PROPOSED~~  
 ORDER**

20 Plaintiff LORI WADE, individually and as Personal Representative of PAUL ALAN  
 21 WADE, Deceased, and Defendants REDERIET OTTO DANIELSEN and K.S. ARIES  
 22 SHIPPING (herein "Defendants") (collectively "the Parties") hereby stipulate as follows:  
 23

- 24 1. Plaintiff seeks damages due to the death of decedent Paul Alan Wade in July 2007  
 25 in waters off the coast of Point Reyes, California.
- 26 2. Plaintiff's First Amended Complaint was filed on October 29, 2007.
- 27 3. Defendants filed an Answer to the First Amended Complaint on January 28, 2008.

1           4.       On March 20, 2008 this Court issued a Case Management Order whereby the  
2 Parties were ordered to complete their ADR session (private mediation) by August 4, 2008.

3           5.       On July 15, 2008, the Court issued an Order extending the mediation completion  
4 deadline to October 31, 2008.

5           6.       A further case management conference is set for January 15, 2009.

6           7.       Trial is set for May 4, 2009.

7           8.       The Parties are in the process of conducting written discovery.

8           9.       Plaintiff Lori Wade's deposition has been taken, but no other depositions have  
9 been taken at this time due to scheduling conflicts and difficulty in locating various witnesses.  
10

11           10.      In addition, Plaintiff recently filed a Motion for Leave to Amend her complaint to  
12 add a new defendant. That motion is set for hearing on November 20, 2008. The new defendant  
13 is a foreign company located in Croatia and may be difficult to serve.  
14

15           11.      In addition, on October 10, 2008, a complaint was filed in the Northern District of  
16 California by Plaintiff Brian Stacy for Negligent Infliction of Emotional Distress against  
17 Defendants (herein "the Stacy case"), Case No. C 08 3586 CW. Mr. Stacy alleges he was the  
18 captain of a fishing vessel and suffered emotional injuries due to the accident involving Paul  
19 Wade. His suit also names the Croatian defendant that Plaintiff Lori Wade seeks to name as a  
20 defendant. Plaintiff Lori Wade has filed a motion to consolidate the Stacy case with her case.  
21 This motion is unopposed and set for hearing on November 20, 2008.  
22

23           12.      The Parties believe that the mediation should not take place until the new  
24 defendant is served and has participated in discovery, and until this case and the Stacy case are  
25 consolidated. A global mediation is more likely to facilitate resolution of this case than  
26 piecemeal mediations.  
27

28           13.      Due to the anticipated difficulty that Ms. Wade and Mr. Stacy may have in serving

1 the new defendant, and the amount of time it may take for Mr. Stacy and the new defendant to  
2 get up to speed, the Parties will be unable to participate in mediation by October 31, 2008.

3 14. Accordingly the Parties request that the Court enter an Order extending the date  
4 for the Parties to complete the ADR session from October 31, 2008 until **March 27, 2009**.

5 15. Extending the date for the Parties to complete the ADR session will not impact  
6 any other deadline set by the Court in this case, and it will give Mr. Stacy and the new defendant  
7 time to get up to speed and participate in a meaningful mediation.  
8

9 DATED: October 31, 2008 MCGUINN HILLSMAN & PALEFSKY  
10 By \_\_\_\_\_ /s/  
11 John R. Hillsman  
12 Attorneys for Plaintiff LORI WADE, individually and as  
13 Personal Representative of PAUL ALAN WADE,  
14 Deceased

15 DATED: October 31, 2008 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP  
16 By \_\_\_\_\_ /s/  
17 James J. Tamulski  
18 Jared A. Washkowitz  
19 Attorneys for Defendants REDERIET OTTO  
20 DANIELSEN and K.S. ARIES SHIPPING

21 ~~PROPOSED~~ ORDER

22 The above Stipulation is approved. The Parties shall complete the ADR process by March  
23 27, 2009.

24 11/4/08  
25 Dated: \_\_\_\_\_   
26 HON. CLAUDIA WILKEN