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8 **THE UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **(SAN FRANCISCO DIVISION)**

11 IN RE COMPLAINT OF TAURUS MARINE, ) INC. AS OWNERS AND/OR OPERATORS OF ) 12 THE TUG <i>TERILYN</i> HER ENGINES, ) TACKLE, APPURTENANCES IN A CAUSE ) 13 OF EXONERATION FROM OR LIMITATION ) OF LIABILITY, ) 14 ) Petitioner, ) 15 ) v. ) 16 ) THE COUNTY OF MARIN, STATE OF ) 17 CALIFORNIA, ) ) 18 Claimant. ) ) 19 )	CASE NO.: CV 08 3195 PJH  <b>SECOND STIPULATION OF PARTIES          AND REQUEST FOR ORDER          CONTINUING CASE MANAGEMENT          CONFERENCE AND ASSOCIATED          DATES 90 DAYS</b>  IN ADMIRALTY  FRCivP SUPP RULE F  L.R. 7 & 16-2(d)
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20 COME NOW COUNSEL FOR THE PARTIES IN THIS ACTION, TAURUS MARINE,  
 21 INC. (“petitioner”), THE COUNTY OF MARIN (“Marin”) and MANSON CONSTRUCTION  
 22 COMPANY and the DUTRA GROUP (“Manson/Dutra”) (collectively “Parties”) (the only  
 23 persons appearing to date in this action), and hereby stipulate and request this Court Order a  
 24 continuation of the Case Management Conference (and associated dates) 90 days / three months,  
 25 i.e. from 22 October 2009 to 20 January 2010, or as soon thereafter as is convenient for the  
 26 Court, in order to, *inter alia*, permit the Parties to pursue settlement discussions and finalize  
 27 settlements and to attempt to narrow the issues truly in dispute.

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1 The Parties moving this Court for relief from the Case Management schedule and  
2 pursuant to Local Rule 16-2(d) hereby represent this is the Parties' second request for  
3 continuance of Case Management related dates and further represent and request:

4 (1) The circumstances that support this request constitute good cause and include:

5 [a] the Parties continue to desire to engage in settlement discussions and are  
6 engaging in informal discovery: the determination of the amount of actual  
7 damages is presently ongoing because the repairs to the pier at issue are  
8 presently ongoing and likely will be determined within 90 days, the  
9 determination of the cost of repair is a necessary prerequisite to  
10 meaningful settlement negotiations,

11 [b] the Parties desire to promote judicial economy by attempting to resolve  
12 their claims without judicial action and believe that a significant portion, if  
13 not all, of this case may be close to settlement,

14 [c] filing a joint case management conference statement without knowledge  
15 of the amount of damages at issue does not give the Parties sufficient time  
16 to adequately communicate their interests to the Court,

17 [d] Marin and Manson/Dutra have recently settled the disputes between them  
18 related to this petition and will be finalizing their settlement within the  
19 next 90 days, and

20 [e] in the event these settlement negotiations and agreements do not fully  
21 resolve this lawsuit, then the Parties will attempt to litigate this matter to  
22 conclusion efficiently.

23 (2) Counsel for all Parties appearing in this Petition agree to this "Second Stipulation  
24 of Parties and Request for Order Continuing Case Management Conference and  
25 Associated Dates for 90 Days".

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- 1           (3)     The Parties propose the Case Management schedule be revised as follows:  
2                     [a]     the Case Management Conference be continued about 90 days, i.e. from  
3                                 22 October 2009 until 20 January 2010, or as soon thereafter as this  
4                                 matter may be heard; and  
5                     [b]     the Joint Case Management Statement due date be continued about 90  
6                                 days, i.e. from 15 October 2009 until 13 January 2010.

7           **THE PARTIES HEREBY STIPULATE AND REQUEST THE COURT ORDER THE**  
8 **DATES FOR THE CASE MANAGEMENT CONFERENCE AND JOINT CASE**  
9 **MANAGEMENT STATEMENT, AS ABOVE:**

10  
11 **IT IS SO STIPULATED:**

12     Dated:     16 October 2009

13                                 **LAW OFFICES OF GEORGE W. NOWELL**

14     By: \_\_\_\_\_ /s/ John H. Cigavic III  
15                                 JOHN H. CIGAVIC III  
16                                 Attorneys for petitioner  
17                                 TAURUS MARINE, INC.

18  
19 **IT IS SO STIPULATED:**

20     Dated:     October 16, 2009

21                                 **CHILES and PROCHNOW, LLP**

22     By: \_\_\_\_\_ /s/ Robert C. Chiles  
23                                 ROBERT C. CHILES  
24                                 Attorneys for claimants  
25                                 MANSON CONSTRUCTION COMPANY  
26                                 and the DUTRA GROUP

27  
28 **IT IS SO STIPULATED:**

   Dated:     October 16, 2009

**GROTEFELD & HOFFMANN, LLP**

   By: \_\_\_\_\_ /s/ Todd C. Harshman  
                               TODD C. HARSHMAN  
                               Attorneys for claimant THE COUNTY OF MARIN

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**[PROPOSED] ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES, AS ABOVE, THE COURT  
HEREBY ORDERS that the:

- (1) Case Management Conference is continued until ~~20~~<sup>21</sup> January 2010; and
- (2) Joint Case Management Statement due date is continued until ~~13~~<sup>14</sup> January 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: October 19 2009

