

LAW OFFICES OF GEORGE W. NOWELL  
120 Montgomery Street, Suite 1990  
San Francisco, CA 94104  
Phone: (415) 362-1333 Fax: (415) 362-1344

1 GEORGE W. NOWELL (SBN: 83868)  
george.nowell@nowelllaw.com  
2 PAUL B. ARENAS (SBN: 167863)  
paul.arenas@nowelllaw.com  
3 JOHN H. CIGAVIC III (SBN: 231806)  
john.cigavic@nowelllaw.com  
4 **LAW OFFICES OF GEORGE W. NOWELL**  
120 Montgomery Street, Suite 1990  
5 San Francisco, CA 94104  
Telephone: (415) 362-1333  
6 Facsimile: (415) 362-1344  
Attorneys for TAURUS MARINE, INC.

7  
8 ROBERT C. CHILES (SBN: 056725)  
[rchiles@chilesprolaw.com](mailto:rchiles@chilesprolaw.com)  
9 CHILES and PROCHNOW, LLP  
2600 El Camino Real, Suite 412  
10 Palo Alto, California 94306-1719  
Telephone: (650) 565-8208  
11 Facsimile: (650) 565-8221

12 **THE UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **(SAN FRANCISCO DIVISION)**

15 IN RE COMPLAINT OF TAURUS MARINE, )  
INC. AS OWNERS AND/OR OPERATORS OF )  
16 THE TUG *TERILYN* HER ENGINES, )  
TACKLE, APPURTENANCES IN A CAUSE )  
17 OF EXONERATION FROM OR LIMITATION )  
OF LIABILITY, )  
18 )  
Petitioner, )  
19 )  
v. )  
20 )  
THE COUNTY OF MARIN, STATE OF )  
21 CALIFORNIA, )  
Claimant. )  
22 )  
23 )

CASE NO.: CV 08 3195 PJH

**THIRD STIPULATION OF PARTIES  
AND REQUEST FOR ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE AND ASSOCIATED  
DATES 90 DAYS**

IN ADMIRALTY

FRCivP SUPP RULE F

L.R. 7 & 16-2(d)

24 //  
25 //  
26 //  
27 //  
28 //

1 COME NOW COUNSEL FOR THE REMAINING PARTIES IN THIS ACTION,  
2 TAURUS MARINE, INC. (“petitioner”) and MANSON CONSTRUCTION COMPANY and the  
3 DUTRA GROUP (“Manson/Dutra”) (collectively “Parties”) (the only persons appearing to date  
4 in this action that have not been dismissed by Order of the Court (*see* Doc#37 dismissing  
5 claimant County of Marin, State of California (“Marin”) by stipulation and order), and hereby  
6 stipulate and request this Court Order a continuation of the Case Management Conference (and  
7 associated dates) 90 days / three months, i.e. from 21 January 2010 to 21 April 2010, or as soon  
8 thereafter as is convenient for the Court, in order to, *inter alia*, permit the Parties to pursue  
9 settlement discussions and to attempt to narrow the issues truly in dispute.

10 The Parties moving this Court for relief from the Case Management schedule and  
11 pursuant to Local Rule 16-2(d) hereby represent this is the Parties’ third request for continuance  
12 of Case Management related dates and further represent and request (the first request was  
13 granted at Doc#22 and the second request was granted at Doc#35 and set the existing Case  
14 Management Conference dates):

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

16 [a] the Parties continue to desire to engage in settlement discussions and are  
17 engaging in formal discovery: the determination of the amount of actual  
18 damages is presently ongoing because the repairs to the pier at issue are  
19 presently ongoing and likely will be determined within 90 days, the  
20 determination of the cost of repair is a necessary prerequisite to  
21 meaningful settlement negotiations,

22 [b] the Parties desire to promote judicial economy by attempting to resolve  
23 their claims without further judicial action and are planning to resume the  
24 mediation of this dispute, perhaps as early as February 2010,

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

28 //



LAW OFFICES OF GEORGE W. NOWELL  
120 Montgomery Street, Suite 1990  
San Francisco, CA 94104  
Phone: (415) 362-1333 Fax: (415) 362-1344

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

- (1) Case Management Conference is continued until <sup>22</sup>~~21~~ April 2010; and
- (2) Joint Case Management Statement due date is continued until <sup>15</sup>~~14~~ April 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: \_ December 22 20<sup>09</sup> \_

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

By: \_\_\_\_\_

