

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 CROSS LINK, INC.

7 GAYLE L. GOUGH (SBN: 154398)  
 8 WILLIAM K. BISSELL (SBN: 133787)  
**SEDGWICK, DETERT, MORAN & ARNOLD LLP**  
 9 One Market Plaza  
 Steuart Tower, 8<sup>th</sup> Floor  
 10 San Francisco, CA 94105  
 Telephone: (415) 781-7900  
 11 Facsimile: (415) 781-2635  
 Attorneys for  
 12 PACIFIC GAS AND ELECTRIC COMPANY

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

16 IN RE COMPLAINT OF CROSS LINK, INC. )  
 AS OWNERS AND/OR OPERATORS OF THE )  
 17 TUG *ORION* HER ENGINES, TACKLE, )  
 EQUIPMENT, APPURTENANCES, )  
 18 FREIGHTS, CARGO, ETC., IN A CAUSE OF )  
 EXONERATION FROM OR LIMITATION OF )  
 19 LIABILITY, )  
 20 )  
 Petitioner, )  
 21 v. )  
 22 PACIFIC GAS & ELECTRIC COMPANY, )  
 23 )  
 Claimant. )  
 24 )

CASE NO.: CV 08 3870 SBA  
 STIPULATION AND REQUEST FOR  
 ORDER NOTING DEFAULT;  
~~PROPOSED~~ ORDER  
 IN ADMIRALTY  
 FRCivP SUPP RULE F  
 Judge: Hon. Sandra Brown Armstrong  
 Complaint Filed: 13 August 2008

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STIPULATION AND REQUEST FOR ORDER NOTING DEFAULT; [PROPOSED] ORDER  
 (CV 08 3870 SBA)

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1 COMES NOW PETITIONER CROSS LINK, INC. ("petitioner") and the only appearing  
2 claimant PACIFIC GAS & ELECTRIC COMPANY ("PG&E" or "claimant") jointly, and by and  
3 through their counsel who are authorized to so stipulate, and do hereby stipulate and agree and  
4 request this Court find and order, with regard to the captioned lawsuit, as follows:

5 **STIPULATION**

6 1.) petitioner filed an action in Admiralty entitled "Complaint for Exoneration from  
7 or Limitation of Liability Under 46 USC §30501, *et. seq.*" on 13 August 2008 to limit its liability  
8 for the maritime incident complained of to the value of its vessel, tug ORION ("Vessel"), to wit:  
9 "on 14 February 2008 at dusk the Tug ORION was towing Derek Barge HAGAR (O.N. 508989)  
10 ("HAGAR") and Derek Barge VALHALLA (O.N. 1076617) when a crane boom on the deck of  
11 HAGAR made contact with four power lines crossing the Sacramento River in the turning basin  
12 in West Sacramento, which four power lines are allegedly owned and operated by Claimant  
13 ("Incident");

14 2.) an "Order Approving Ad Interim Stipulation for Value, Directing Issuance of  
15 Notice and Restraining Prosecution of Claims" was duly issued and entered herein, dated 30  
16 September 2008 and appearing on the Docket of this Court at No. 14, against all persons  
17 claiming damages for any and all losses, damages, injuries, or destruction arising out of or  
18 occurring on the voyage of the Vessel and related to the Incident, citing and requiring all persons  
19 to appear before the Court and file their respective claims in writing, under oath, and to serve  
20 copies thereof on the attorneys for petitioner, and to answer the allegations of the petition herein  
21 on or before 3 November 2008, and notice of said Order was duly given and published, as  
22 appears by return of petitioner duly made, and copies of the notice and Order were duly served  
23 on potential claimants in accordance with the Rules of this Court (both appearing on the Docket  
24 of this Court at No. 21);

25 3.) PG&E is the only entity that timely filed a claim with petitioner. PG&E claims  
26 damages in excess of \$90,835 for damage to property (and asserts a second claim against  
27 petitioner for PG&E's customers' alleged damages resulting from the Incident for which PG&E  
28 may be called upon to pay to others, in an amount presently unknown);

1 4.) no other claim has been presented to or filed with said petitioner as of the date of  
2 this stipulation; and

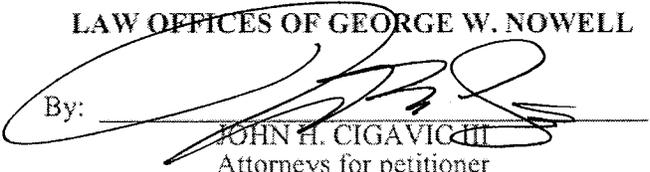
3 5.) petitioner and claimant hereby respectfully request the Court grant an "Order  
4 Noting Default" in the form attached hereto; and

5 6.) petitioner's and claimant's counsel hereby stipulate that the form of the "Order  
6 Noting Default" attached hereto is acceptable to petitioner's and claimant's counsel.

7 IT IS SO STIPULATED:

8  
9 Dated: 4 December 2008

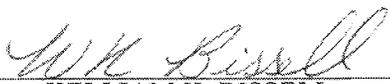
LAW OFFICES OF GEORGE W. NOWELL

10  
11 By: 

JOHN H. CIGAVICH  
Attorneys for petitioner  
CROSS LINK, INC.

12  
13  
14 Dated: November 26, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

15  
16 By: 

WILLIAM K. BISSELL  
Attorneys for claimant  
PACIFIC GAS AND ELECTRIC COMPANY

17  
18  
19 ~~PROPOSED~~ ORDER

20 A Petition for exoneration from or limitation of all liability having been filed herein on  
21 13 August 2008, appearing on the Docket at No. 1, by CROSS LINK, INC. ("petitioner"), as  
22 owners of the vessel tug ORION ("Vessel") related to the event occurring on 14 February 2008  
23 at dusk when the Tug ORION was towing Derek Barge HAGAR (O.N. 508989) ("HAGAR")  
24 and a crane boom on the deck of HAGAR made contact with four power lines crossing the  
25 Sacramento River in the turning basin in West Sacramento, which four power lines are owned  
26 and operated by claimant PACIFIC GAS & ELECTRIC COMPANY ("PG&E" or "claimant")  
27 ("Incident");

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1 And, an Order having been duly issued and entered herein, dated 30 September 2008 and  
2 appearing on the Docket of this Court at No. 14, against all persons claiming damages for any  
3 and all losses, damages, injuries, or destruction arising out of or occurring on the voyage of the  
4 Vessel and related to the Incident, citing and requiring all persons to appear before the Court and  
5 file their respective claims in writing, under oath, and to serve copies thereof on the attorneys for  
6 petitioner, and to answer the allegations of the petition herein on or before 3 November 2008 and

7 notice of said Order having been duly given and published, as appears by return of petitioner  
8 duly made and copies of the notice and Order having been duly served on all claimants in  
9 accordance with the Rules of this Court (both appearing on the Docket of this Court at No. 21);

10 And it further appearing by stipulation of the parties that

11 (1) the following claim has been presented to and filed with petitioner's counsel as  
12 required by the Rules of this Court, to wit:

13 PG&E claims damages in excess of \$90,835 for damage to property (and asserts a second  
14 claim against petitioner for PG&E's customers' alleged damages resulting from the  
15 Incident for which PG&E may be called upon to pay to others, in an amount presently  
16 unknown), and

17 (2) that no other claim has been presented to petitioner or filed with this Court as of  
18 the date of this Order; and

19 Now, therefore on stipulation of all the parties appearing, by and through their respective  
20 counsel, it is

21 ORDERED, ADJUDGED AND DECREED that the defaults of all persons claiming  
22 damages for any and all losses, damages, injuries and destruction arising out of, occasioned or  
23 occurring from or on the voyage of the Vessel and related to the Incident, who have not  
24 heretofore filed and presented claims and answers, if desired, be and are in default, and such  
25 persons are hereby barred from filing any claims and answers regarding the voyage of the Vessel  
26 and related to the Incident in this Court or in any proceeding related hereto; and

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all persons, concerns  
2 or firms in default, as aforesaid, be subject to, and that all issues raised by the petition herein and  
3 the answer thereto now on file, shall stand for trial before this Court according to the rules and  
4 practice hereof; and

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all other proceedings  
6 on any and all proofs of claims now on file, or which are subsequently interposed, wherever said  
7 action, proceeding or event may be located, be and hereby are stayed until the trial and  
8 determination of this suit.

9 IT IS SO ORDERED:

10 Dated: 12/8 2008

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

11 By: *Saundra B. Armstrong*  
12 SAUNDRA B. ARMSTRONG  
13 UNITED STATES DISTRICT JUDGE  
14

15 Prepared by:

16 Dated: 4 December 2008

LAW OFFICES OF GEORGE W. NOWELL

17 By: *[Signature]*  
18 JOHN H. CIGAVIC III  
19 Attorneys for petitioner  
20 CROSS LINK, INC.

21 Approved as to form:

22 Dated: November 26, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

23 By: *W.K. Bissell*  
24 WILLIAM K. BISSELL  
25 Attorneys for claimant  
26 PACIFIC GAS AND ELECTRIC COMPANY  
27  
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