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Attorneys for Defendant CROWN EQUIPMENT CORP.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

FRANK SCHAFFNER,
Plaintiff,

v.

CROWN EQUIPMENT CORPORATION dba
CROWN LIFT TRUCKS, NORTHWEST
HANDLING SYSTEM, INC.,
Defendants.

NORTHWEST HANDLING SYSTEMS,
INC.,
Cross-Claimant,

v.

CROWN EQUIPMENT CORPORATION dba
CROWN LIFT TRUCKS, and DOES I-X,
inclusive, and EACH OF THEM,
Cross-Defendants.

COSTCO WHOLESALE CORP.,
Lien Claimant.

Case No.: C09-00284 SBA

**STIPULATION AND [PROPOSED]
ORDER RE TRIAL DATE**

1 WHEREAS on February 10, 2012, the Court entered an order vacating the dates for
2 the pretrial conference and trial in this matter, and set a Case Management Conference for
3 February 29, 2012 for the purpose of re-scheduling those dates;

4 WHEREAS counsel for Plaintiff Frank Schaffner (“Plaintiff”), Defendant Crown
5 Equipment Corporation (“Crown”), and Defendant and Cross-Complainant North West
6 Handling Systems, Inc. (“NWHS”) appeared telephonically for the Case Management
7 Conference on February 29th;

8 WHEREAS at the Case Management Conference, the Court tentatively set a trial date
9 of June 25, 2012, and the parties raised various concerns regarding scheduling conflicts for
10 counsel and potential witnesses;

11 WHEREAS, in response to those concerns, the Court ordered the parties to meet and
12 confer about a possible alternative date, and if possible, to prepare and file a stipulation and
13 proposed order to re-set the trial and pretrial conference to another date, provided the trial
14 would be concluded by no later than the end of July 2012;

15 WHEREAS, the parties have now met and conferred regarding the respective
16 schedules of counsel and witnesses, and have determined that starting the trial in this matter
17 on July 16, 2012, would allow the parties to resolve all of their scheduling issues, save for
18 Plaintiff’s concern regarding the availability of his expert witness, Dr. Ziernicki; and

19 WHEREAS, in order to accommodate Dr. Ziernicki’s schedule, the parties have
20 further agreed that Dr. Ziernicki may, if necessary, be allowed to testify on July 20, 2012,
21 even if such testimony would occur during a portion of the trial ordinarily reserved for
22 Defendant’s witnesses, unless Dr. Ziernicki’s schedule opens so that he may testify earlier.

23 THEREFORE, IT IS HERBY STIPULATED by and between counsel for Plaintiff,
24 Crown, and NWHS, and subject to approval by the Court:

25 (a) the trial in this matter shall be re-set for July 16, 2012 at 8:30 AM, and the pretrial
26 conference shall be re-set for June 26, 2012 at 1:00 PM;

27 (b) subject to the Court’s ruling on Crown’s motion in limine to exclude portions of
28 Dr. Ziernicki’s testimony, and without waiving any of defendants’ objections to

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such testimony, Dr. Ziernicki will be permitted to testify not later than July 20, 2012, even if such testimony would occur during that portion of the trial reserved for defendants' witnesses; and

(c) if Dr. Ziernicki's schedule changes and he is available earlier than July 20, 2012, then Dr. Ziernicki's testimony (if any) will be presented during Plaintiff's case-in-chief.

Dated: March 14, 2012

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

By: _____/s/_____

Michael D. Lisi
Attorneys for Defendant CROWN EQUIPMENT
CORP.

Dated: March 14, 2012

WELTIN STREB WELTIN LLP

By: _____/s/_____

Daniel R. Weltin
Attorneys for Plaintiff FRANK SCHAFFNER

Dated: March 14, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: _____/s/_____

Nora M. Nachtsheim
Attorneys for Defendant and Cross-Claimant for
NORTH WEST HANDLING SYSTEMS, INC.

I hereby attest that I have been authorized by the above counsel to execute on their behalf this Stipulation and [Proposed] Order Re Trial Date.

Executed on this 13th day of March, 2012, at San Francisco, California.

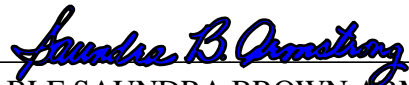
_____/s/_____
Michael D. Lisi

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

A seven (7) day jury trial in this matter shall be re-set for **July 16, 2012 at 8:30 a.m.**
and the pretrial conference shall be re-set for **July 10, 2012 at 1:00 p.m.**

Dated: March 14, 2012



HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE