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 THE UNITED STATES OF AMERICA

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12 Attorneys for Plaintiff
 13 RON SHORT

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

| | | | |
|----|------------------------------------------------------|---|-----------------------------------|
| 18 | RON SHORT, |) | Case No. CV 09 3505 CW |
| | |) | |
| 19 | Plaintiff, |) | JOINT STATUS REPORT AND |
| | |) | STIPULATION AND ORDER |
| 20 | v. |) | CONTINUING CASE MANAGEMENT |
| | |) | CONFERENCE |
| 21 | THE UNITED STATES OF AMERICA, <i>in</i> |) | |
| | <i>personam</i> , and R/V POINT SUR, its |) | |
| 22 | engines, tackle, apparel, furniture, etc., <i>in</i> |) | Case Management |
| | <i>rem</i> , |) | Conference: November 30, 2010 |
| 23 | |) | |
| | Defendants. |) | Time: 2:00 p.m. |
| 24 | |) | |

25 The parties hereto, by and through their counsel of record herein, hereby provide the
 26 following Joint Status Report and Stipulation and Proposed Order Continuing Case Management
 27 Conference as follows:
 28

1 WHEREAS the Court held its initial case management conference in this matter on July
2 20, 2010, and at that time ordered a further case management conference to be set for November
3 30, 2010; and

4 WHEREAS on or about August 26, 2010 Plaintiff's treating doctor found him to be
5 permanent and stationary, but permanently disabled from his prior career as a ship's captain; and

6 WHEREAS the Plaintiff has been making best efforts to evaluate his vocational options
7 (and damages), including undergoing vocational counseling and testing; and

8 WHEREAS the parties have agreed to complete certain exchanges of information
9 (including formal initial disclosures) and then to participate in a mediation before Chris
10 Lavdiotis; and

11 WHEREAS the above evaluations and exchanges will be completed in the coming days,
12 and well before the currently scheduled case management conference, but the earliest day the
13 parties could secure a full day mediation with Mr. Lavdiotis and have attendance of insurance
14 representatives of the defendant with full settlement authority was January 26, 2011; and

15 WHEREAS the parties are hopeful that the mediation will be successful and obviate the
16 need for a further case management conference; and

17 WHEREAS the parties will be prepared to set a trial and related dates if the case does not
18 settle;

19 THE PARTIES HEREBY STIPULATE and respectfully request that the Court order that
20 the parties be given until January 26, 2011 to complete private mediation, and continue the
21 current case management conference from November 30, 2010, to a date convenient to the Court
22 following the January 26, 2011 mediation.

23 Respectfully submitted,

24 Dated: November 17, 2010

GIBSON ROBB & LINDH LLP

25
26 By: /S/ Marker E. Lovell, Jr.
Marker E. Lovell, Jr.

27 Attorneys for Defendant
28 THE UNITED STATES OF AMERICA
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Dated: November 17, 2010

BRODSKY MICKLOW BULL & WEISS LLP

By: /s/ Edward M. Bull, III
Edward M. Bull, III
Amy Jo Bull

Attorneys for Plaintiff
RON SHORT
ebull@bmbwlawfirm.com

ORDER

Based on the stipulation of the parties and good cause appearing to support the requested continuance, IT IS HEREBY ORDERED that the parties shall have until January 26, 2011 to complete mediation, and that the case management conference currently set for November 30, 2010 is hereby vacated, and a new case management conference set for 2:00 p.m on February 15, 2011 at 2:00 p.m.

DATED: 11/19/2010


HON. CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SIGNATURE

I attest that the content of this document is acceptable to attorney, MARKER E. LOVELL, JR. , and that he authorized me to sign the document on his behalf.

/s/ Edward M. Bull III