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Attorneys for Plaintiff City of Oakland,
A Municipal Corporation, Acting By and
Through Its Board of Port Commissioners

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITY OF OAKLAND, a Municipal
Corporation, Acting By and Through Its
Board of Port Commissioners

Plaintiff,

vs.

SSA TERMINALS, LLC, SSA TERMINALS
(OAKLAND), LLC and DOES 1 through 50,
inclusive,

Defendant.

SSA TERMINALS, LLC; SSA TERMINALS
(OAKLAND), LLC,

Counterclaimants,

vs.

CITY OF OAKLAND and Does 1 through 10,

Counter-Defendants.

CASE NO.: C11-01446 YGR

**SECOND STIPULATION FURTHER
AMENDING TRIAL-RELATED DATES
AND ~~PROPOSED~~ ORDER**

AS MODIFIED

1.

SECOND STIPULATION FURTHER AMENDING TRIAL-RELATED DATES AND
[PROPOSED] ORDER CASE NO.: C11-01446 YGR

1 Plaintiff and Counter-Defendant City of Oakland, a Municipal Corporation, Acting By
2 and Through its Board of Port Commissioners (the "Port") and Defendants and Counter-
3 Claimants SSA Terminals, LLC and SSA Terminals (Oakland), LLC ("SSAT") seek a second
4 order modifying the trial and pretrial scheduling dates in the Stipulation Further Amending
5 Trial-Related Dates and Proposed Order issued on August 1, 2012 (Document 101) ("Further
6 Stipulation"). The grounds for this request are:

7 1. The parties have been engaged in very active fact discovery in June and July,
8 including 12 fact witness depositions and production of a large number of emails and other
9 documents (including those from third parties).

10 2. On July 19 and July 20, SSAT served the initial expert reports consisting of more
11 than 350 total pages of material from five expert witnesses.

12 3. In the previous proposed timetable for the rebuttal reports and the response to
13 rebuttal reports in the Further Stipulation, the parties did not have complete information about
14 their experts' respective availability, including long-scheduled vacation commitments and
15 scheduled surgery.

16 4. The parties have now determined that these issues regarding expert availability
17 require a modest extension of dates set out in the Further Stipulation

18 5. Counsel for the parties in this action and in the FMC action have agreed on a
19 proposed schedule for submission to the Court. The proposed schedule does not affect the
20 January 14, 2013 trial date. However, it does affect the timing of the Case Management
21 Conference in this action, currently set for October 15, 2012.

22 6. Under the proposed new schedule the expert disclosure and discovery cutoff
23 would be as follows:

24 a) Disclosure of case-in-chief experts and reports on July 20, 2012
25 (occurred);

26 b) Disclosure of rebuttal experts and reports moved from August 27, 2012 to
27 September 10, 2012;

1 c) Deadline for responsive reports to rebuttal experts moved from
2 September 17, 2012 to October 5, 2012;

3 d) Close of all discovery moved from October 12, 2012 to November 2,
4 2012;

5 7. In light of this request, counsel also request that the Case Management
6 Conference in this Action be reset from Monday, October 15, 2012 to Monday, November 12,
7 2012 or as soon thereafter as is convenient for the Court (Port counsel unavailable November 20
8 through 27). The January 14, 2013 trial date would remain as scheduled.

9 8. The parties in this matter jointly request by this stipulation the proposed dates set
10 forth above be adopted by this Court. Counsel in the FMC action are making a similar request
11 for uniform pre-trial dates to conform to this proposal.

12
13 Respectfully,

14 Dated: August 13, 2012

FITZGERALD ABBOTT & BEARDSLEY LLP

15
16 By Richard T. White

Richard T. White
Attorneys for Plaintiff and Counter-Defendant

17
18 Dated: August 13, 2012

RUSSELL, MIRKOVICH & MORROW

19
20 By Joseph N. Mirkovich

Joseph N. Mirkovich
Attorneys for Defendants and Counterclaimants
SSA Terminals, LLC and SSA Terminals
21 (Oakland), LLC
22

23 IT IS SO ORDERED

24
25 Dated: August 15, 2012

Yvonne Gonzales Rogers
Yvonne Gonzales Rogers
United States District Judge

26
27 SEE ABOVE MODIFICATION RE: CMC DATE

28
3.

SECOND STIPULATION FURTHER AMENDING TRIAL-RELATED DATES AND
[PROPOSED] ORDER CASE NO.: C11-01446 YGR