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Attorneys for Plaintiff  
 CHIQUITA FRESH NORTH AMERICA, L.L.C.

15 UNITED STATES DISTRICT COURT  
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 CHIQUITA FRESH NORTH AMERICA,  
 LLC,

19 Plaintiff,

20 vs.

21 GREENE TRANSPORT COMPANY; JOHN  
 22 GREENE LOGISTICS COMPANY; and  
 23 DOES 1 through 10, inclusive,

24 Defendants.

Case No. CV 11-6683 DMR

STIPULATION AND ~~PROPOSED~~ ORDER  
 TO EXTEND CERTAIN DISCOVERY  
 DEADLINES AND RE: JOINT  
 STATEMENT OF FACTS WITH RESPECT  
 TO PLAINTIFF'S MOTION FOR PARTIAL  
 SUMMARY JUDGMENT

25 **RECITALS**

26 1. The above-captioned action arises in part from events that are also the subject of  
 27 *Holtzapple, et al. v. Ajax Logistics, et al.* ("Holtzapple"), In the Circuit Court of the Ninth Judicial  
 28 Circuit, In and For Osceola County, Florida, Case No. 10-CA-7095 AN (22). The parties to this action

1 are also parties to the *Holtzapple* action. In order to avoid duplicative discovery proceedings while  
2 promoting efficiency and economy, the parties wish to coordinate the depositions of party-affiliated  
3 personnel in the two actions. Due to the progress of the *Holtzapple* action, the parties anticipate that the  
4 depositions will take place in April and May 2013.

5 2. Plaintiff Chiquita Fresh North America, LLC (“Chiquita”) has filed a motion for partial  
6 summary judgment against defendant Greene Transport Company (“GTC”) on the issues of GTC’s  
7 alleged breach of contractual provisions regarding (1) the defense of Chiquita in *Holtzapple*; (2) the  
8 acquisition of insurance for Chiquita; and (3) the use of subcontractors to carry Chiquita’s load. (Doc.  
9 No. 53.) The hearing of Chiquita’s motion is scheduled for May 9, 2013; GTC’s opposition is due on  
10 April 8, 2013, and Chiquita’s reply on April 15, 2013. GTC believes that the deposition of Chiquita’s  
11 present Transportation Manager, currently scheduled for April 19, 2013, may reveal agreement or  
12 dispute regarding facts that GTC contends are relevant to Chiquita’s motion, primarily to issue (3),  
13 above.

14 3. Paragraph 14 of the Standing Order of the Hon. Donna M. Ryu provides that motions for  
15 summary judgment or adjudication are to be accompanied by a joint statement of material facts not in  
16 dispute. It does not contain an explicit provision for supplemental joint statements. Chiquita and GTC  
17 have met and conferred in good faith in order to create a joint statement of facts not in dispute, which  
18 Chiquita filed along with its motion for partial summary judgment. Chiquita does not object to GTC’s  
19 submission of a Supplemental Joint Statement of Undisputed Material Facts which is filed with GTC’s  
20 opposition to Chiquita’s Motion for Partial Summary Adjudication. GTC does not object to Chiquita’s  
21 submission of a Supplemental Joint Statement of Undisputed Material Facts which is filed with  
22 Chiquita’s reply in further support of its Motion for Partial Summary Adjudication.

23 Accordingly, the parties HEREBY STIPULATE as follows:

24 **STIPULATION**

25 1. That the deadline for completing non-expert discovery be continued from May 1, 2013,  
26 to June 15, 2013;

27 2. That the deadline for disclosing expert witnesses and reports be continued from May 1,  
28 2013, to June 15, 2013;

1 3. That the deadline for disclosing rebuttal expert witnesses and reports be continued from  
2 May 15, 2013, to June 30, 2013;

3 4. That the deadline for completing expert discovery be continued from May 29, 2013, to  
4 July 14, 2013;

5 5. That the parties may, as necessary, submit one supplemental joint statement of material  
6 facts not in dispute to accompany GTC's response to Chiquita's motion for summary adjudication, and  
7 one such statement to accompany Chiquita's reply, under the standards set forth in Paragraph 14 of the  
8 Standing Order.

9 SO STIPULATED.

10  
11 Dated: April 2, 2013.

12 LOW, BALL & LYNCH

13  
14 By s/ Dirk D. Larsen  
15 MARK F. HAZELWOOD  
16 DIRK D. LARSEN  
17 Attorneys for Defendant  
18 GREENE TRANSPORT COMPANY

19 Dated: April 2, 2013.

20 PHILLIPS, SPALLAS & ANGSTADT LLP

21 By s/ Elisa R. Marcaletti  
22 TODD A. ANGSTADT  
23 ELISA R. MARCALETTI  
24 Attorneys for Defendant  
25 JOHN GREENE LOGISTICS COMPANY

26 Dated: April 2, 2013.

27 BURNHAM BROWN

28 By s/ Robert M. Bodzin  
ROBERT M. BODZIN  
RAYMOND A. GREENE, III  
ALISON F. GREENE  
Attorneys for Plaintiff  
CHIQUITA FRESH NORTH AMERICA, L.L.C.

1  
2 **~~PROPOSED~~ ORDER**

3 Pursuant to the stipulation of the parties herein, and good cause appearing therefor, it is  
4 HEREBY ORDERED:

5 1. That the deadline for completing non-expert discovery is continued from May 1, 2013,  
6 to June 15, 2013;

7 2. That the deadline for disclosing expert witnesses and reports is continued from May 1,  
8 2013, to June 15, 2013;

9 3. That the deadline for disclosing rebuttal expert witnesses and reports is continued from  
10 May 15, 2013, to June 30, 2013;

11 4. That the deadline for completing expert discovery is continued from May 29, 2013, to  
12 July 14, 2013;

13 5. That the parties may, as necessary, submit one supplemental joint statement of material  
14 facts not in dispute to accompany GTC's response to Chiquita's motion for summary adjudication, and  
15 one such statement to accompany Chiquita's reply, under the standards set forth in Paragraph 14 of the  
16 Standing Order.

17 IT IS SO ORDERED.

18 Dated: April \_

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