

1 Richard W. Osman, State Bar No. 167993
 2 Sheila D. Crawford, State Bar No. 278292
 3 Henry B. Bernstein, State Bar No. 313730
 4 BERTRAND, FOX, ELLIOT, OSMAN & WENZEL
 5 The Waterfront Building
 6 2749 Hyde Street
 7 San Francisco, California 94109
 8 Telephone: (415) 353-0999
 9 Facsimile: (415) 353-0990
 10 Email: rosman@bfesf.com
 11 scrawford@bfesf.com
 12 hbernstein@bfesf.com

13 Attorneys for Defendants/Cross-Claimants
 14 DALE SIMS and BUENA VISTA SEAFOOD LLC

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 CLEANFISH LLC, a Delaware limited liability
 18 company,

19 Plaintiff,
 20 v.

21 DALE SIMS, an individual, BUENA VISTA
 22 SEAFOOD LLC, a California limited liability
 23 company, ISLAND SEA FARMS, INC., a
 24 Canadian corporation, NANCI DIXON, an
 25 individual, and PAUL SIMPSON, an
 26 individual.

27 Defendants.

28 DALE SIMS and BUENA VISTA SEAFOOD
 LLC,

Cross-Claimants,
 v.

CLEANFISH LLC; and ROES 1-10, Inclusive,
 Cross-Defendants.

Case No. 19-cv-03663-HSG

**STIPULATION RE MEDIATION AND TO
 CONTINUE DEADLINE TO COMPLETE FACT
 DISCOVERY**

ORDER

Judge: Haywood S. Gilliam, Jr.
 Complaint Filed: June 24, 2019
 Trial Date: Not Set

1 WHEREAS, Plaintiff CLEANFISH, LLC (“Plaintiff”) initiated this case on June 25, 2019;

2 WHEREAS, following a case management conference on September 1st, this court issued a
3 scheduling order on October 27, 2020, setting trial for September 20, 2021, setting the close of fact
4 discovery on February 19, 2021 and scheduling expert disclosures for February 26, 2021, rebuttal expert
5 disclosures for March 12, 2021 and close of expert discovery for April 9, 2021. (Dkt. No. 89);

6 WHEREAS, the parties have agreed to complete mediation in the near term and have selected
7 Judge Raul Ramirez of ADR Services, Inc., pending his availability for mediation;

8 WHEREAS, the parties wish to attend mediation prior to conducting further discovery, including
9 taking depositions of parties’ respective employees or exchanging expert disclosures, to avoid
10 unnecessary expense and use of time;

11 WHEREAS, the parties believe good cause exists to extend the date for close of fact discovery six
12 weeks to April 2, 2021, and extend the date for expert disclosures by six weeks to April 9, 2021, extend
13 the date for rebuttal experts by four weeks to April 16, 2021, and extend the date for the close of expert
14 discovery three weeks to April 30, 2021 to allow the parties time to take depositions, disclose experts and
15 take expert discovery as necessary in the event that mediation is unsuccessful;

16 WHEREAS, this stipulation is not made for any improper purpose and will not prejudice any
17 party;

18 WHEREAS, the requested modifications will not otherwise impact the schedule for the case.

19 **STIPULATION**

20 NOW, THEREFORE, Plaintiff and Defendants stipulate and agree as follows:

- 21 1. The close of fact discovery shall be extended six weeks from February 19, 2021 to April
22 2, 2021.
- 23 2. The deadline for expert disclosures shall be extended by six weeks from February 26,
24 2021 to April 9, 2021; and
- 25 3. The deadline to disclose rebuttal experts shall be extended by four weeks to from March
26 12, 2021 to April 16, 2021;
- 27 4. The close of expert discovery shall be extended by three weeks to April 9, 2021 to April
28 30, 2021.

5. That, by entering this Stipulation, the parties do not admit any factual allegation or legal conclusion and do not waive any rights, defenses, affirmative defenses, or objections.

Dated: February 12, 2021

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

By: /s/ Richard W. Osman
Richard W. Osman
Attorney for Defendant/Cross-Claimants
DALE SIMS and BUENA VISTA SEAFOOD
LLC

Dated: February 12, 2021

D'AMATO LAW CORPORATION

By: /s/ Thomas J. D'Amato
Thomas J. D'Amato
Attorney for Plaintiff CLEANFISH, LLC

ELECTRONIC CASE FILING ATTESTATION

I, Richard W. Osman, hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document or have been authorized by counsel to show their signature on this document as /s/.

Dated: February 12, 2021

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

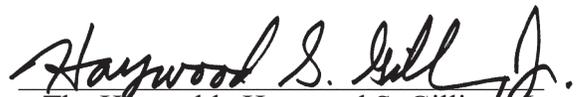
By: /s/ Richard W. Osman

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. The close of fact discovery is hereby continued from February 19, 2021 to April 2, 2021.
2. The deadline for expert disclosures is hereby continued from February 26, 2021 to April 9, 2021;
3. The deadline to disclose rebuttal experts is hereby continued from March 12, 2021 to April 16, 2021; and
4. The close of expert discovery is hereby continued from April 9, 2021 to April 30, 2021.

DATED: 2/16/2021


The Honorable Haywood S. Gilliam, Jr.
United States District Court Judge