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9 Attorneys for Plaintiff
10 DANIEL MAXIE

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL MAXIE, } CASE NO. 04-02255 MMC
Plaintiff, }
vs. }
HORIZON LINES, LLC, and MATSON }
NAVIGATION COMPANY, }
Defendants. }
AND THIRD-PARTY CROSS- }
COMPLAINT }

The parties, plaintiff DANIEL MAXIE, and defendants HORIZON LINES, LLC (“HORIZON”) and MATSON NAVIGATION COMPANY (“MATSON”), and Third-Party Defendant U.S. SHIP MANAGEMENT, INC.’s (“USSM”), jointly submit this Stipulation and [Proposed] Order Continuing the pretrial and trial dates as follows.

Plaintiff DANIEL MAXIE has alleged that he suffered a back injury on or about March 3, 2003, while serving on defendant HORIZON’s vessel the EXPEDITION, and has alleged an aggravation of that injury while employed by defendant MATSON aboard the SS MAUI on January 7, 2004. HORIZON alleges

1 in its Third-Party Complaint under F.R.C.P. Rule 14(c) that after he worked on the
 2 EXPEDITION and before he joined the MAUI, he was injured while working on
 3 the SEALAND ENDURANCE, which was operated by USSM.

4 Due to Plaintiff's need for continuing and additional medical care and the
 5 fact that he is not-fit-for-duty or permanent and stationary, the parties believe that
 6 they will not be able to complete all non-expert and expert discovery in
 7 accordance with the present deadlines. Accordingly, the parties stipulate and
 8 respectfully request that the following pretrial and trial dates be continued for
 9 approximately 120 days to new dates as follows:

10	Non-expert discovery cutoff (Present Date: August 31, 2005)	February 28, 2006
11	Last Day for filing dispositive motions (Present Date: September 2, 2005)	March 3, 2006
12	Expert disclosure & reports (Present Date: Non-medical: September 16, 2005 Medical: September 30, 2005)	Non-medical: March 17, 2006 Medical: March 31, 2006
13	Expert discovery cutoff (Present Date: October 28, 2005)	April 14, 2006
14	Settlement Conference: (Private Mediation or settlement conference before Chief Magistrate Judge Larson to be completed by September 2, 2005)	March 7, 2006
15	Pretrial Conference (Present Date: November 15, 2005 at 3:00 p.m.)	April 25, 2006 at 3:00 p.m.
16	Trial Date (Present Date: November 28, 2005)	May 15, 2006
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1 IT IS SO STIPULATED.
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3 Dated: October 6, 2005 BANNING MICKLOW BULL & LOPEZ, LLP
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5 By: /S/ Edward M. Bull
6 EDWARD M. BULL, III
7 JENNIFER L. FIORE
8 Attorneys for Plaintiff
9 DANIEL MAXIE

10 Dated: October 6, 2005 GIBSON, ROBB & LINDH LLP
11

12 By: /S/ Peter Lindh
13 PETER LINDH
14 JENNIFER T. SANCHEZ
15 Attorneys for Defendant
16 MATSON NAVIGATION COMPANY

17 Dated: October 6, 2005 LAW OFFICES OF HARVEY I. WITTENBERG
18

19 By: /S/ Harvey I. Wittenberg
20 HARVEY I. WITTENBERG
21 Attorney for Defendant
22 HORIZON LINES, LLC

23 Dated: October 6, 2005 FLYNN DELICH & WISE, LLP
24

25 By: /S/ James B. Nebel
26 JAMES B. NEBEL
27 Attorneys for Third-Party Complaint
28 U.S. SHIP MANAGEMENT, INC.

29 **CERTIFICATE OF SIGNATURE(S)**

30 I attest that the content of the document is acceptable to all persons above,
31 who were required to sign the document. /S/ Jennifer L. Fiore
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ORDER

Pursuant to Stipulation and good cause appearing, it is hereby ordered that the following pretrial and trial dates are continued as follows:

Non-expert discovery cutoff February 28, 2006

February 28, 2006

Last Day for filing dispositive motions March 3, 2006

March 3, 2006

Expert discovery cutoff April 14, 2006

Settlement Conference: Private Mediation or settlement conference before Chief Magistrate Judge Larson to be completed March 7, 2006

Pretrial Conference April 25, 2006 at 3:00 p.m.

Trial Date May 15, 2006

Dated: October 11 , 2005

Mafine M. Cheyney

THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE