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4	P: (559) 449-2600 F: (559) 449-2603	
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6	COMPANY, and Cross-Defendant/Counterclaim FERNANDO M. SANDOVAL	ant/Cross-Claimant/Third Party Plaintiff
7		
8	UNITED STATES I	DISTRICT COURT
9 10	EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION	
11	RANDY'S TRUCKING, INC. and STAR	Case No. 1:08-CV-00819 OWW DLB
12	INSURANCE COMPANY,)
13	Plaintiffs,) STIPULATION AND ORDER TO VACATE REFERENCE TO
14	V	MAGISTRATE JUDGE BECK
15	CITY OF SHAFTER, etc., et al,	
16	Defendants.)
17)
18 19	AND RELATED ACTIONS, CROSS- ACTIONS, AND THIRD PARTY ACTIONS	
20 21	WHEREAS, Plaintiffs Randy's Trucking	ng, Inc., and Star Insurance Company, and
22	Defendants BNSF Railway Company and Nationa	l Railroad Passenger Corporation, and two other
23	parties who have since been dismissed from this n	natter, all executed consents to permit Magistrate
24	Judge Dennis L. Beck to conduct all matters in this	s proceeding at the outset of this litigation; and
25	WHEREAS, new parties Robert Garcia, I	Rachel Garcia, Jessica Garcia, and Erica Garcia,
26		
27	Roi Smith, and Tina Knott, have been added t	o this intigation through consolidation of their
28	separate cases, subsequent to the referral of thi	s matter to Magistrate Dennis L. Beck for all
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	STIPULATION AND ORDER TO VACATE REFERENCE TO	MAGISTRATE JUDGE BECK

1 purposes; and

WHEREAS, counsel for the Garcia plaintiffs, Roi Smith, and Tina Knott, have never 3 executed consents to have any magistrate judge conduct all proceedings in this matter; and 4 WHEREAS, the Court has recently reassigned this matter to Magistrate Judge Sheila K. 5 Oberto: and 6 7 WHEREAS, the original parties who consented to have Magistrate Judge Dennis L. Beck 8 conduct all proceedings in this matter would now prefer that United States District Judge Oliver 9 Wanger, rather than the newly assigned Magistrate Judge Sheila K. Oberto, conduct the trial in this 10 matter; 11 NOW THEREFORE, it is hereby stipulated by and between Plaintiffs Randy's Trucking, 12 13 Inc., and Star Insurance Company, and Defendants BNSF Railway Company and National 14 Railroad Passenger Corporation, through their respective counsel of record that said parties jointly 15 request that United States District Judge Oliver Wanger issue an order vacating the referral to 16 Magistrate Judge Dennis L. Beck pursuant to Rule 73(b)(3) of the Federal Rules of Civil 17 18 Procedure, and that United States District Judge Oliver Wanger conduct the trial in this matter. 19 It is further agreed that this stipulation may be executed in counterparts. 20 Counsel for the Garcia plaintiffs, Roi Smith, and Tina Knott, have not been presented with 21 this Stipulation, in view of the fact that those parties never executed a consent for Magistrate Judge 22 23 Dennis L. Beck, or any other magistrate judge, to conduct all proceedings in this matter. 24 /// 25 /// 26 /// 27 /// [signature page to follow] 28 2 STIPULATION AND ORDER TO VACATE REFERENCE TO MAGISTRATE JUDGE BECK

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1	DATED: April 27, 2010	ERICKSEN ARBUTHNOT
2		By/s/ Michael D. Ott
4		Michael D. Ott 2440 W. Shaw Ave., #101
5		Fresno, CA 93711
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7		Attorneys for Plaintiff/Counterdefendant/ Counterclaimant/Cross-Defendant/Cross-
8		Claimant/Third Party Plaintiff RANDY'S
9		TRUCKING, INC., Plaintiff STAR INSURANCE COMPANY, and Cross-
10		Defendant/Counterclaimant/Cross- Claimant/Third Party Plaintiff
11		FERNANDO M. SANDOVAL
12		
13	DATED: April 26, 2010	LOMBARDI, LOPER & CONANT, LLP
14		
15		By/s/ Jason Bradley Shane
16 17		Jason Bradley Shane Attorneys for Defendants NATIONAL RAILROAD PASSENGER CORP.
18		and BNSF RAILWAY COMPANY
19		
20	DATED: April 27, 2010	AUCHARD & STEWART
21		
22		By/s/ Paul A. Auchard Paul A. Auchard
23		Attorneys for Counter Claimant BNSF RAILWAY COMPANY
24		
25		
26		
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	STIPULATION AND ORDER TO VACATE REFERI	3 ENCE TO MAGISTRATE JUDGE BECK

1	ORDER VACATING REFERENCE TO MAGISTRATE JUDGE
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3 4	Based upon the stipulation of the parties who consented to the referral of this matter to Magistrate Judge Dennis L. Beck for all purposes, based upon the change of circumstances in
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6	this case, and good cause appearing,
7	IT IS HEREBY ORDERED that the referral of this matter to a United States Magistrate
8	Judge be, the same hereby is, vacated.
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15	IT IS SO ORDERED.
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17	Dated:April 27, 2010/s/ Oliver W. WangerUNITED STATES DISTRICT JUDGE
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