

Attorneys for Plaintiff/Counterdefendant/Counterclaimant/Cross-Defendant/Cross-Claimant/Third Party Plaintiff RANDY'S TRUCKING, INC., Plaintiff STAR INSURANCE COMPANY, and Cross-Defendant/Counterclaimant/Cross-Claimant/Third Party Plaintiff FERNANDO M. SANDOVAL

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

AND RELATED ACTIONS, CROSS-ACTIONS, AND THIRD PARTY ACTIONS

WHEREAS, new parties Robert Garcia, Rachel Garcia, Jessica Garcia, and Erica Garcia, Roi Smith, and Tina Knott, have been added to this litigation through consolidation of their separate cases, subsequent to the referral of this matter to Magistrate Dennis L. Beck for all

1 purposes; and

2 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
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5 WHEREAS, the Court has recently reassigned this matter to Magistrate Judge Sheila K.
6 Oberto; and

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;
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12 NOW THEREFORE, it is hereby stipulated by and between Plaintiffs Randy's Trucking,
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 Procedure, and that United States District Judge Oliver Wanger conduct the trial in this matter.
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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 Dennis L. Beck, or any other magistrate judge, to conduct all proceedings in this matter.
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28 /// [signature page to follow]

1 DATED: April 27, 2010

ERICKSEN ARBUTHNOT

3 By ___/s/ Michael D. Ott_____

Michael D. Ott

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5 Fresno, CA 93711

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6 P: 559-449-2600 – F: 559-449-2603

7 Attorneys for Plaintiff/Counterdefendant/

8 Counterclaimant/Cross-Defendant/Cross-

9 Claimant/Third Party Plaintiff RANDY'S

10 TRUCKING, INC., Plaintiff STAR

11 INSURANCE COMPANY, and Cross-

12 Defendant/Counterclaimant/Cross-

13 Claimant/Third Party Plaintiff

14 FERNANDO M. SANDOVAL

13 DATED: April 26, 2010

LOMBARDI, LOPER & CONANT, LLP

15 By ___/s/ Jason Bradley Shane_____

Jason Bradley Shane

16 Attorneys for Defendants NATIONAL

17 RAILROAD PASSENGER CORP.

18 and BNSF RAILWAY COMPANY

20 DATED: April 27, 2010

AUCHARD & STEWART

22 By ___/s/ Paul A. Auchard_____

Paul A. Auchard

23 Attorneys for Counter Claimant

24 BNSF RAILWAY COMPANY

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IT IS HEREBY ORDERED that the referral of this matter to a United States Magistrate Judge be, the same hereby is, vacated.

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE