

1 B. CLYDE HUTCHINSON, State Bar No. 037526  
bch@llcllp.com  
2 JASON B. SHANE, State Bar No. 253908  
jshane@llcllp.com  
3 LOMBARDI, LOPER & CONANT, LLP  
Lake Merritt Plaza  
4 1999 Harrison Street, Suite 2600  
Oakland, CA 94612-3541  
5 Telephone: (510) 433-2600  
Facsimile: (510) 433-2699  
6

7 Attorneys for Defendant, Counter-Claimant, Cross-  
Claimant and Cross-Defendant NATIONAL  
RAILROAD PASSENGER CORPORATION,  
8 Defendant and Cross-Claimant JOSHUA KYLES,  
and Defendant and Third-Party Defendant BNSF  
9 RAILWAY COMPANY

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION  
12

13 RANDY’S TRUCKING, INC., and  
14 STAR INSURANCE COMPANY,

15 Plaintiffs,

16 v.

17 CITY OF SHAFTER; COUNTY OF  
KERN; STATE OF CALIFORNIA;  
18 CALTRANS; AMTRAK; NATIONAL  
RAILROAD PASSENGER  
19 CORPORATION; BURLINGTON  
NORTHERN SANTA FE RAILROAD;  
20 BNSF RAILWAY COMPANY; and  
DOES 1 TO 100,

21 Defendants.  
22

23 AND ALL RELATED ACTIONS,  
24 CROSS-ACTIONS, AND THIRD  
PARTY ACTIONS.

Case No. 1:08-cv-00819 OWW DLB

**STIPULATION TO VACATE TRIAL  
DATE AND GOOD FAITH HEARING**

25  
26 WHEREAS all parties to the lead case herein, *Randy’s Trucking, Inc. v. City of Shafter*  
27 (Case No. 1:08-cv-00819 OWW SKO), reached a settlement and Plaintiff/Counter-Defendant  
28 Randy’s Trucking, Inc. filed a Notice of Settlement last Friday, August 20, 2010;



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: August 26, 2010

LOMBARDI, LOPER & CONANT, LLP

By:                     /s/ Jason B. Shane                      
JASON B. SHANE  
Attorneys for  
NATIONAL RAILROAD PASSENGER  
CORPORATION, JOSHUA KYLES and  
BNSF RAILWAY COMPANY

Dated: August 26, 2010

AUCHARD & STEWART

By:                     /s/ Paul Auchard                      
PAUL AUCHARD  
Attorneys for  
BNSF RAILWAY COMPANY

Dated: August 26, 2010

STOLL, NUSSBAUM & POLAKOV, A.P.C.

By:                     /s/ Matthew Stoll for                      
ROBERT J. STOLL, JR.  
Attorneys for  
ROI SMITH

Dated: August 26, 2010

A.A. ACCIDENT ATTORNEYS, P.L.C.

By:                     /s/ Paul E. Lee                      
PAUL E. LEE  
Attorneys for  
TINA KNOTT

IT IS SO ORDERED.

Dated:           August 26, 2010          

          /s/ Oliver W. Wanger            
UNITED STATES DISTRICT JUDGE