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7	Attorneys for Defendant, Counter-Claimant, Cross- Claimant and Cross-Defendant NATIONAL					
8	RAILROAD PASSENGER CORPORATION, Defendant and Cross-Claimant JOSHUA KYLES,					
9	and Defendant and Third-Party Defendant BNSF RAILWAY COMPANY					
10						
11	UNITED STATES DISTRICT COURT					
12	EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION					
13	RANDY'S TRUCKING, INC., and	Case No. 1:08-cv-00819 0WW DLB				
14	STAR INSURANCE COMPANY,	STIPULATION TO VACATE TRIAL				
15	Plaintiffs,	DATE AND GOOD FAITH HEARING				
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, CROSS-ACTIONS, AND THIRD					
24	PARTY ACTIONS.					
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;					
	13249-37030 JBS 588393.1	1 Case No. 1:08-cv-00819 0WW DLB				
	STIPULATION TO VACATE TRIAL DATE AND GOOD FAITH HEARING					

1	Wheras, Amtrak settled with the Plaintiffs Roi Smith and Tina Knott in the two other						
2	consolidated actions herein, Roi Smith v. Randy's Trucking, Inc., et al. (Case No. 1:09-cv-00211						
3	OWW DLB) and Tina Knott v. Randy's Trucking, Inc., et al. (Case No. 1:09-cv-01759 OWW						
4	DLB) and filed Notices of Settlement on April 29, 2010 and June 17, 2010, respectively;						
5	WHEREAS Randy's Trucking, Inc. and Fernando Sandoval filed a Motion to Contest						
6	Amtrak's settlement of the Smith on May 24, 2010, but subsequently withdrew that motion on						
7	July 9, 2010, and no other party contested Amtrak's settlement of that matter;						
8	WHEREAS, no party contested Amtrak's settlement of the Knott matter;						
9	WHEREAS Amtrak's presence in the Smith and Knott cases was the basis for this Court's						
10	jurisdiction, and once Amtrak finalizes its settlements of those matters and dismissals are filed,						
11	those cases will be subject to remand, and the remaining parties in the Smith and Knott matters						
12	intend to file a stipulation to remand those cases once Amtrak finalizes its settlements of those						
13	matters and dismissals are filed						
14	WHEREAS the Court previously separately remanded another consolidated matter -						
15	Robert Garcia v. Amtrak, et al. (Case No. 1:09-cv-00331 OWW DLB) – on May 27, 2010 once						
16	Amtrak was dismissed as a defendant;						
17	IT IS HEREBY STIPULATED by and between all parties, through their designated						
18	counsel, that the Court vacate the September 9, 2010 trial date and August 30, 2010 good faith						
19	hearing set by the Court's August 25, 2010 Minute Order.						
20	Dated: August 26, 2010 ERICKSEN ARBUTHNOT						
21							
22	By: /s/ Timothy J. McCaughey for						
23	MICHAEL D. OTT Attorneys for						
24	RANDY'S TRUCKING, INC., STAR INSURANCE COMPANY and						
25	FERNANDO MANGUIA SANDOVAL						
26							
27							
28							
	13249-37030 JBS 588393.1 2 Case No. 1:08-cv-00819 0WW DLB						
	STIPULATION TO VACATE TRIAL DATE AND GOOD FAITH HEARING						

1	Dated:	August 26, 2010	LOMBA	ARDI, LOPER & CONANT, LLP		
2						
3			By:	/s/ Jason B. Shane		
4				JASON B. SHANE Attorneys for		
5				TIONAL RAILROAD PASSENGER RPORATION, JOSHUA KYLES and		
6				BNSF RAILWAY COMPANY		
7	Dated:	August 26, 2010	AUCHA	ARD & STEWART		
8						
9			By:	/s/ Paul Auchard		
10				PAUL AUCHARD Attorneys for		
11				BNSF RAILWAY COMPANY		
12	Dotadi	August 26, 2010	CTOLI			
13	Dated.	August 26, 2010	STOLL,	NUSSBAUM & POLAKOV, A.P.C.		
14			D			
15			By:	ROBERT J. STOLL, JR.		
16				Attorneys for ROI SMITH		
17						
18	Dated:	August 26, 2010	A.A. AC	CCIDENT ATTORNEYS, P.L.C.		
19						
20			By:	/s/ Paul E. Lee PAUL E. LEE		
21				Attorneys for TINA KNOTT		
22						
23	IT IS SO					
24	Dated: August 26, 2010					
25				<u>/s/ Oliver W. Wanger</u> UNITED STATES DISTRICT JUDGE		
26						
27						
28						
	13249-3703	0 JBS 588393.1	3	Case No. 1:08-cv-00819 0WW DLB		
	STIPULATION TO VACATE TRIAL DATE AND GOOD FAITH HEARING					