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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

BNSF RAILWAY COMPANY,)	CV F 08 - 1086 AWI SMS
)	
Plaintiff,)	ORDER ON PLAINTIFFS'S EX
)	PARTE APPLICATION FOR
v.)	BRIEF CONTINUANCE OF
)	TRIAL DATE
SAN JOAQUIN VALLEY RAILROAD)	
COMPANY, et al.,)	Doc. # 222
)	
Defendants.)	

Currently before the court is Plaintiff's Application for Brief Continuance of Trial Date (the "Application"). Plaintiff requests that the trial date currently set for April 16, 2012, be continued to sometime in July of 2012 or, if no July date is available, to sometime in November 2012. Plaintiff cites conflicts with scheduled hearings in an unrelated arbitration trial proceeding and other needs of counsel. Defendants have opposed Plaintiff's Application, primarily on the ground that Plaintiff fails to adequately support its claims of scheduling conflict. The court notes, however, that Defendants have not pointed to any prejudice to themselves in the event the trial date is continued.

Of pressing concern to the court is its need to manage its own workload. Two considerations lead the court to conclude it would be prudent for the court to continue the

1 trial date to July given the lack of prejudice to either party. First, the trial in this action as
2 currently scheduled is likely to impair the court's ability to adequately prepare for another
3 trial that is set to commence shortly after the trial in this action is expected to conclude.
4 Second, motions for summary judgment are currently pending in this action and the court
5 finds the press of other business will likely prevent the court from reaching decisions on the
6 motions prior to the date currently set for the pretrial conference. Based on these
7 considerations the court concludes that granting Plaintiff's Application would benefit the
8 court's need to manage its own workload and not result to prejudice to either party.
9

10 THEREFORE, it is hereby ORDERED that Plaintiff's Application to continue the
11 trial date is hereby GRANTED. The currently set trial date of April 16, 2012 is hereby
12 VACATED as is the currently set pretrial conference date of February 24, 2012. Trial in this
13 action is hereby set for Tuesday, July 17, 2012, at 8:30 a.m. in Courtroom 2. The pretrial
14 conference shall be held on Friday, June 1, 2012, in the chamber of Judge Anthony W. Ishii.
15 The parties may further modify the scheduling order by stipulation or may contact the
16 Magistrate Judge to set a further scheduling conference if necessary.
17

18 IT IS SO ORDERED.

19 Dated: February 21, 2012

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22 CHIEF UNITED STATES DISTRICT JUDGE
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