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10 Attorneys for Plaintiff
 BNSF Railway Company, a Delaware Corporation

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA
 13

14 BNSF Railway Company, a Delaware
 15 Corporation,

16 Plaintiff,

17 v.

18 San Joaquin Valley Railroad Company, a
 19 California Corporation, et al.,

20 Defendants.

Case No. 1:08-CV-01086-AWI-SMS

Case Type: Declaratory Judgment/Contract

**STIPULATION FOR MOTION TO
 AMEND SCHEDULING ORDER;**

ORDER

21 This Stipulated Joint Motion is brought on behalf of all parties. The parties hereby jointly
 22 move the Court to extend certain Scheduling Order deadlines as stated below. In support of their
 23 motion, the parties state:

24 The original Scheduling Order provided only two weeks between expert disclosures and
 25 supplemental or rebuttal expert disclosures. The parties request additional time to review and
 26 analyze expert disclosures, depose designated experts and then name and depose any rebuttal
 27 experts.

1 Pursuant to the parties' agreement to schedule expert witness depositions for the week of
2 November 30, 2009, the parties hereby agree, subject to the Court's approval, to the following
3 amended scheduling order deadlines.

4 1. The supplemental or rebuttal expert disclosure deadline shall be amended from a
5 deadline of October 13, 2009 to January 18, 2010.

6 2. The last day to depose either of the two originally-designated expert witnesses
7 shall be December 4, 2009.

8 3. The last day to depose or take any other discovery from a designated supplemental
9 or rebuttal expert witness shall be February 15, 2010.

10 4. The Non-Dispositive and Dispositive Motion filing deadline shall be extended
11 from a deadline of January 8, 2010 to a deadline of March 8, 2010.

12 5. Nothing herein shall extend the November 30, 2009 factual discovery deadline for
13 discovery between the parties. BNSF reserves the right to seek an extension of that deadline.

14 6. The settlement conference date of December 8, 2009; the pre-trial conference date
15 of March 26, 2010; and the trial date of May 11, 2010 shall remain in effect.

16 Dated: October 16, 2009

Briggs and Morgan, P.A.

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19 By: s/Paul J. Hemming

Timothy R. Thornton

Paul J. Hemming

Attorneys for Plaintiff

BNSF Railway Company, a Delaware
Corporation

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22 Dated: October 16, 2009

Hicks | Park LLP

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24 By: s/ James B. Hicks

James B. Hicks

Attorneys for Defendants and Counterclaimant

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ORDER

Pursuant to the parties' agreement, the Court hereby amends following scheduling order deadlines.

1. The supplemental or rebuttal expert disclosure deadline is amended from a deadline of October 13, 2009 to January 18, 2010.

2. The last day to depose either of the two originally-designated expert witnesses shall be December 4, 2009.

3. The last day to depose or take any other discovery from a designated supplemental or rebuttal expert witness shall be February 15, 2010.

4. The Non-Dispositive and Dispositive Motion filing deadline is extended from a deadline of January 8, 2010 to a deadline of March 8, 2010.

5. Nothing herein shall extend the November 30, 2009 factual discovery deadline for discovery between the parties.

6. The settlement conference date of December 8, 2009; the pre-trial conference date of March 26, 2010; and the trial date of May 11, 2010 shall remain in effect.

Dated: October 19, 2009

/s/ Sandra M. Snyder
United States Magistrate Judge

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