

1 FRED M. BLUM, ESQ. (SBN 101586)
 ERIN K. POPPLER, ESQ. (SBN 267724)
 2 VIVY D. DANG, ESQ. (SBN 297714)
 BASSI, EDLIN, HUIE & BLUM LLP
 3 500 Washington Street, Suite 700
 San Francisco, CA 94111
 4 Telephone: (415) 397-9006
 Facsimile: (415) 397-1339

5 RONALD S. BUSHNER (SBN 98352)
 SHANA INSPEKTOR (SBN 291841)
 6 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
 525 Market Street, 17th Floor
 7 San Francisco, California 94105-2725
 Telephone: (415) 433-0990
 8 Facsimile: (415) 434 1370

9 Attorneys for Defendant
 10 TEXAS EASTERN OVERSEAS, INC.

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA
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14 AMERIPRIDE SERVICES INC.,
 15 Plaintiffs,
 16 vs.
 17 VALLEY INDUSTRIAL SERVICES, INC.,
 18 a former California corporation, et al.,
 19 Defendants.

Case No. 2:00-cv-00113-MCE-EFB

**DEFENDANT TEXAS EASTERN
 OVERSEAS, INC.'S REQUEST AND
 ORDER TO WITHDRAW ITS MOTIONS
 FILED AS ECF DOCKET NUMBERS
 1019 AND 1020 WITHOUT PREJUDICE
 AND TO VACATE THE HEARING DATE
 OF APRIL 21, 2016 AS TO THESE
 MOTIONS ONLY**

Date: April 21, 2016
 Time: 2:00 p.m.
 Courtroom: 7
 Judge: Hon. Morrison C. England, Jr.
 Trial Date: October 17, 2016

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1 Defendant TEXAS EASTERN OVERSEAS, INC. (“TEO”), by and through its
2 respective counsel, respectfully submits this request to withdraw the following two
3 motions without prejudice and to vacate the related hearing date of April 21, 2016,
4 related to the following two motions only:

5 (1) TEO’s Motion to Exclude the Portion of Mark A. Bryant’s November 30, 2015
6 Expert Report and Related Trial Testimony That Contradicts AmeriPride’s Admission To
7 TEO’s Request for Admission (ECF Docket No. 1019); and

8 (2) TEO’s Motion for Sanctions Pursuant to FRCP 26(g)(3) and the Court’s
9 Inherent Powers and For Judicial Estoppel Regarding AmeriPride’s Second
10 Supplemental Responses to Chromalloy’s Discovery (ECF Docket No. 1020).

11 Good cause exists to grant TEO’s request to withdraw these motions without
12 prejudice. TEO and Plaintiff AMERIPRIDE SERVICES, INC. (“AmeriPride”) have both
13 filed Motions for Summary Judgment, which are also scheduled to be heard on April 21,
14 2016. This request in no way affects the Motions for Summary Judgment, which are
15 also set to be heard April 21, 2016 at 2:00 p.m. This Court’s resolution of issues raised
16 on summary judgment, including the judicial estoppel and National Contingency Plan
17 issues, may narrow or possibly moot TEO’s Motion to Exclude (Dkt. 1019) and Motion
18 for Sanctions (Dkt. 1020). For this reason, judicial economy will be enhanced by
19 granting TEO’s request to withdraw its motions without prejudice and vacating the April
20 21, 2016 hearing date for these motions only.

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22 Date: April 13, 2016

BASSI, EDLIN, HUIE & BLUM LLP

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24 */s/ Fred M. Blum*

25 By: _____

FRED M. BLUM
ERIN K. POPPLER
VIVY D. DANG
Attorneys for Defendant
TEXAS EASTERN OVERSEAS, INC.


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1 **ORDER**

2 The foregoing request is GRANTED. Defendant Texas Eastern Overseas, Inc.'s
3 (1) Motion to Exclude the Portion of Mark A. Bryant's November 30, 2015 Expert Report
4 and Related Trial Testimony That Contradicts AmeriPride's Admission To TEO's
5 Request for Admission (ECF Docket No. 1019); and (2) Motion for Sanctions Pursuant
6 to FRCP 26(g)(3) and the Court's Inherent Powers and For Judicial Estoppel Regarding
7 AmeriPride's Second Supplemental Responses to Chromalloy's Discovery (ECF Docket
8 No. 1020) are hereby withdrawn without prejudice. Further, the hearing date of April 21,
9 2016 is vacated for these two motions only.

10 IT IS SO ORDERED.

11 Dated: April 19, 2016

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15 MORRISON C. ENGLAND, JR, CHIEF JUDGE
16 UNITED STATES DISTRICT COURT
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