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9 10 11 12 13 14	LOUIS A. GONZALEZ, JR., SBN 157373 W. SCOTT CAMERON, SBN 229828 WEINTRAUB GENSHLEA CHEDIAK, A 1 400 Capitol Mall, 11th Floor Sacramento, CA 95814 Telephone: (916) 558-6000 Facsimile: (916) 446-1611 wcameron@weintraub.com lgonzalez@weintraub.com	LAW CORPORATION
15 16 17	Attorneys for Defendant and Counter-Claimant, Sierra Railroad Company	
18	UNITED STAT	ES DISTRICT COURT
19	FOR THE EASTERN DISTRICT OF CALIFORNIA	
20 21 22 23 24 25 26	PATRIOT RAIL CORP., a Delaware corporation, Plaintiff, v. SIERRA RAILROAD COMPANY, a California corporation, Defendant.	CASE NO. 2:09-cv-00009-MCE-EFB STIPULATION AND ORDER AMENDING PRETRIAL SCHEDULING ORDER

1	STIPULATION
2	
3	WHEREAS on April 29, 2010, this Court issued its Pretrial Scheduling Order requiring
4	the Parties to complete non-expert discovery on or before June 18, 2010;
5	WHEREAS on January 4, 2010, this Court issued its minute order continuing the trial
6	date in this matter to March 19, 2012;
7	WHEREAS Plaintiff and Counter Defendant Patriot Rail Corp., Cross Defendants
8	Patriot Rail, LLC and Larry Coe ("Patriot"), and Defendant and Counter Claimant Sierra
9	Railroad Company ("Sierra") (collectively with Patriot, the "Parties") voluntarily mediated this
10	matter before the Hon. James Warren (Ret.) of JAMS on February 23, 2010 from 9:30 a.m.
11	through 7:30 p.m., but were unable to reach a settlement agreement;
12	WHEREAS the Parties have actively been involved in completing discovery including
13	depositions but, due to a recent death in Patriot's counsel's family, and the deployment of
14	Sierra's counsel for service in the Air National Guard, the Parties are unable to complete all
15	depositions prior to the current non-expert discovery cut-off of June 18, 2010;
16	WHEREAS the Parties have noticed or subpoenaed five depositions that must be
17	completed before discovery closes in this matter;
18	WHEREAS good cause exists for, and none of the parties to this matter shall be
19	prejudiced by, an extension of the last day to complete depositions to July 16, 2010;
20	WHEREAS the Parties stipulate and agree to extend the date to complete depositions to
21	July 16, 2010, and also stipulate and agree that no new discovery may be commenced as a
22	result of this stipulation and agreement to extend the date to complete depositions;
23	WHEREAS the Parties also agree to extend the discovery cut-off for the limited
24	purpose of allowing third parties responding to outstanding subpoenas to produce documents
25	on or before June 25, 2010;
26	WHEREAS, since the Parties have also previously agreed and continue to believe that
27	the Mandatory Settlement Conference has the best chance of being productive if conducted
28	
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	STIPLILATION AND PROPOSEDLORDER AMENDING PRETRIAL SCHEDULING ORDER

1	after the close of discovery, the Mandatory Settlement Conference currently scheduled for July
2	9, 2010 should be rescheduled for a date no earlier than August 2, 2010;
3	WHEREAS the Parties stipulate and agree to disclose expert witnesses and expert
4	witness reports on July 30, 2010;
5	WHEREAS the Parties stipulate and agree to disclose supplemental expert witnesses
6	and reports for supplemental experts within 20 days of the initial expert disclosure, as set forth
7	in the Court's May 18, 2009 scheduling order, on or before August 19, 2010; and
8	WHEREAS the Parties also believe the extensions contained in this Stipulation and
9	Proposed Order will not effect or require modification of the trial date or any other dates in the
10	Court's Pretrial Scheduling Order.
11	THE PARTIES, THROUGH THEIR RESPECTIVE ATTORNEYS OF RECORD,
12	HEREBY STIPULATE pursuant to Fed. R. Civ. P. 16(b)(4) and request that the Court amend
13	its Pretrial Scheduling Order to extend the last day to complete depositions to July 16, 2010,
14	continue the date for expert witness disclosure to July 30, 2010, continue the date for
15	supplemental expert witness disclosure to August 19, 2010, and continue the Mandatory
16	Settlement Conference to a date no earlier than August 2, 2010.
17	
18	Dated: June 18, 2010 GREENBERG TRAURIG, LLP
19	
20	By: <u>/s/ Sarah Whitney Asplin</u> Lisa L. Halko
21	M. Theresa Tolentino Meehan Sarah W. Asplin
22	Attorneys for Plaintiff/Counter Defendant Patriot Rail Corp. and Cross Defendants Patriot Rail,
23	LLC and Larry Coe
24	Dated: June 18, 2010 WEINTRAUB GENSHLEA CHEDIAK
25	
26	By: <u>/s/ W. Scott Cameron (as authorized on 6/18/10)</u> Louis A. Gonzalez, Jr.
27	W. Scott Cameron Attorneys for Defendant and Counter Claimant
28	Sierra Railroad Company
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1	ORDER
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3	As it appears the Parties failed to settle this matter at a voluntary mediation on February
4	23, 2010, must now complete several depositions both in California and out of state, have
5	experienced a death in the family and a deployment among counsel; have stipulated to an
6	extension of the last day to complete depositions, and as the Court finds good cause to amend
7	its Pretrial Scheduling Order to extend the last day to complete depositions to July 16, 2010, to
8	continue the last day for third parties to respond to outstanding subpoenas to June 25, 2010,
9	continue the date for expert witness disclosure to July 30, 2010, continue the date for
10	supplemental expert witness disclosure to August 19, 2010, and continue the Mandatory
11	Settlement Conference to August 2, 2010. All other dates contained in the Court's Pretrial
12	Scheduling Order, including the trial date, remain unchanged.
13	The Court also extends the date by which discovery must be complete so as to permit
14	compliance with the magistrate judge's discovery order filed June 21, 2010 (Docket No. 99),
15	which is hereby adopted in full.
16	IT IS SO ORDERED.
17	DATE: June 23, 2010
18	DATE. Julie 25, 2010
19	MORRISON C. ENGLAND, JR
20	UNITED STATES DISTRICT JUDGE
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