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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRIOT RAIL CORP., a Delaware
corporation,

Plaintiff,

v.

SIERRA RAILROAD COMPANY, a
California corporation,

Defendant.

And Related Counterclaim.

CASE NO. 2:09-cv-00009-MCE-EFB

STIPULATION AND ORDER
AMENDING PRETRIAL SCHEDULING
ORDER

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WHEREAS, since the Parties have also previously agreed and continue to believe that the Mandatory Settlement Conference has the best chance of being productive if conducted

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: /s/ Sarah Whitney Asplin

Lisa L. Halko

M. Theresa Tolentino Meehan

21 Sarah W. Asplin

22 Attorneys for Plaintiff/Counter Defendant Patriot
23 Rail Corp. and Cross Defendants Patriot Rail,
LLC and Larry Coe

24 Dated: June 18, 2010

WEINTRAUB GENSHEA CHEDIAK

25
26 By: /s/ W. Scott Cameron (as authorized on 6/18/10)

Louis A. Gonzalez, Jr.

27 W. Scott Cameron

28 Attorneys for Defendant and Counter Claimant
Sierra Railroad Company


ORDER

As it appears the Parties failed to settle this matter at a voluntary mediation on February 23, 2010, must now complete several depositions both in California and out of state, have experienced a death in the family and a deployment among counsel; have stipulated to an extension of the last day to complete depositions, and as the Court finds good cause to amend its Pretrial Scheduling Order to extend the last day to complete depositions to July 16, 2010, to continue the last day for third parties to respond to outstanding subpoenas to June 25, 2010, continue the date for expert witness disclosure to July 30, 2010, continue the date for supplemental expert witness disclosure to August 19, 2010, and continue the Mandatory Settlement Conference to August 2, 2010. All other dates contained in the Court's Pretrial Scheduling Order, including the trial date, remain unchanged.

The Court also extends the date by which discovery must be complete so as to permit compliance with the magistrate judge's discovery order filed June 21, 2010 (Docket No. 99), which is hereby adopted in full.

IT IS SO ORDERED.

DATE: June 23, 2010


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE