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 25 Counter-Claimant, Sierra Railroad Company

26 UNITED STATES DISTRICT COURT
 27 FOR THE EASTERN DISTRICT OF CALIFORNIA

28 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 TO EXTEND EXPERT
 DISCOVERY AND DISPOSITIVE
 MOTION DATES

1 WHEREAS the parties further agree that to ensure that efficient completion of both
2 expert discovery and dispositive motion practice should the MSC be unsuccessful, upon the
3 court's approval, a date certain as to the earliest date of when a dispositive motion may be
4 heard should be set along with the last day such a motion may be heard;

5 WHEREAS the Parties also agree to extend the non-expert discovery cut-off for the
6 limited purpose of allowing third parties responding to outstanding subpoenas to produce
7 documents on or before September 10, 2010; and,

8 WHEREAS the Parties also believe the extensions contained in this Stipulation and
9 Proposed Order will not affect 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 the following:

- 14 • Last day for third parties to respond to outstanding subpoenas served in this
15 action shall be September 10, 2010;
- 16 • Disclosure of expert witnesses and reports shall be completed on or before
17 September 24, 2010;
- 18 • Disclosure of rebuttal expert witnesses and reports shall be completed on or
19 before October 14, 2010;
- 20 • The earliest day a dispositive motion may be heard shall be December 2, 2010;
- 21 • The last day to file a dispositive motion shall be November 15, 2010;
- 22 • The last day a dispositive motion may be heard shall be December 16, 2010;
- 23 and,
- 24 • The parties will complete all discovery of expert witnesses in a timely manner in
25 order to comply with the deadline for filing dispositive motions.

1 Dated: July 26, 2010

GREENBERG TRAURIG, LLP

2 By: /s/ M. Theresa Tolentino Meehan

3 Lisa L. Halko

M. Theresa Tolentino Meehan

4 Sarah W. Asplin

Attorneys for Plaintiff/Counter Defendant Patriot

5 Rail Corp. and Cross Defendants Patriot Rail,

LLC and Larry Coe

6 Dated: July 26, 2010

WEINTRAUB GENSHEA CHEDIAK

7 By: /s/ Louis A. Gonzalez, Jr.

8 Louis A. Gonzalez, Jr.

9 W. Scott Cameron

Attorneys for Defendant and Counter Claimant

10 Sierra Railroad Company

11 ORDER

12
13 As it appears that resetting the Mandatory Settlement Conference to August 27, 2010,
14 has modified the scheduling in this matter to require the parties to complete expert witness
15 discovery and dispositive motion practice prior to the MSC, completing such work prior to a
16 settlement conference would inhibit settlement discussions, and there are several outstanding
17 third party subpoenas, the Court finds good cause to amend its Pretrial Scheduling Order to set
18 the following deadlines:


- 19
- 20 • Last day for third parties to respond to outstanding subpoenas served in this
21 action shall be September 10, 2010;
 - 22 • Disclosure of expert witnesses and reports shall be completed on or before
23 September 24, 2010;
 - 24 • Disclosure of rebuttal expert witnesses and reports shall be completed on or
25 before October 14, 2010;
 - 26 • The earliest day a dispositive motion may be heard shall be December 2, 2010;
 - 27 • The last day to file a dispositive motion shall be November 15, 2010;
 - 28 • The last day a dispositive motion may be heard shall be December 16, 2010;
- and,

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- The parties will complete all discovery of expert witnesses in a timely manner in order to comply with the deadline for filing dispositive motions.

IT IS SO ORDERED.

Dated: July 26, 2010



MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE