1 2 3 4 5 6 7 8 9 10 11	Louis A. Gonzalez, Jr., State Bar No. 157373 Scott M. Plamondon, State Bar No. 212294 WEINTRAUB GENSHLEA CHEDIAK Law Corporation 400 Capitol Mall, 11th Floor Sacramento, California 95814 (916) 558-6000 – Main (916) 446-1611 – Facsimile Attorneys for Defendant/Counterclaimant Sierra Railroad Company M. Theresa Tolentino Meehan, State Bar No. 204112 Kevin T. Collins, State Bar No. 185427 Melissa A. Jones, State Bar No. 205576 Greenberg Traurig, LLP 1201 K Street, Suite 1100 Sacramento, Ca 95814-3938 (916) 442-1111 - Main (916) 448-1709 – Facsimile Attorneys for Plaintiff/Counter Defendant	
12 13	Patriot Rail Corp. and Cross Defendants, Patriot Rail, LLC and Larry Coe	
14	UNITED STATES DISTRICT COURT	
15	EASTERN DISTRICT OF CALIFORNIA	
16		
17	PATRIOT RAIL CORP.,	Case No. CIV-S-09-0009-MCE-EFB
18		TIPULATION AND ORDER AMENDING
19	VS.) C	BRIEFING SCHEDULE AND HEARING DATE ON PLAINTIFF AND COUNTER DEFENDANT PATRIOT RAIL CORP.'S
20		MOTION FOR SUMMARY JUDGMENT
21	Defendants.	<u>Current Hearing Date:</u> Date: December 2, 2010
22	<u>)</u> јт	ime: 2:00 p.m. Dept. 7
23		udge: Morrison C. England, Jr.
24		<u>lew Hearing Date:</u> Date: December 16, 2010
25	AND RELATED COUNTERCLAIMS	ime: 2:00 p.m. Dept. 7
26	J	udge: Morrison C. England, Jr.
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28		

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PATRIOT RAIL CORP. ("Patriot"), the plaintiff and counter defendant and SIERRA RAILROAD COMPANY ("Sierra"), the defendant and counterclaimant enter into this stipulation, through their counsel, amending the briefing schedule relating to Patriot's currently pending Motion for Summary Judgment ("MSJ") set to be heard by the Court on December 2, 2010;

WHEREAS based on the current hearing date for Patriot's MSJ, Sierra's Opposition would have been due on November 18, 2010, and Patriot's Reply brief would have been due thereafter on November 24, 2010.

WHEREAS Mike Hart, Sierra's CEO and Person Most Knowledgeable has been hospitalized, and is therefore unavailable to participate in the preparation and review of Sierra's Opposition to Patriot's MSJ.

WHEREAS Patriot's counsel M. Theresa Tolentino Meehan, who will be preparing the reply brief and arguing the MSJ, is currently set to appear in an unrelated matter before the California Court of Appeal, Fourth District, in Riverside, California, on December 8, 2010, and thus, unavailable to work on this motion from December 6 through 8, 2010.

17 THE PARTIES AGREE AND IT IS HEREBY ORDERED that the briefing schedule18 shall be modified as follows:

- Sierra's Opposition to Patriot's MSJ shall be due by 12:00 p.m. on Wednesday, December 1, 2010.
- Patriot's Reply Brief thereafter shall be due by 12:00 p.m. on Friday, December 10, 2010.
- The hearing on this matter shall be continued to December 16, 2010, at 2:00 p.m. and the current hearing date of December 2, 2010, shall be vacated.
- No other modifications to the briefing schedule are contemplated by the parties except as expressly set forth herein.

The undersigned, acting for, on behalf of, and with the full authorization of

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1	his or her client identified below, joins in the attached Stipulation for Amendment		
2	2 to Briefing Schedule.	to Briefing Schedule.	
3		weintraub genshlea chediak	
4	4	a law corporation	
5			
6	6 Louis A. G	<u>A. Gonzalez, Jr.</u> onzalez, Jr.	
7		or Defendant/Counterclaimant	
8	8 Sierra Rail	road Company	
9		, LLP	
10	By: /s/ M. Th	eresa Tolentino Meehan	
11	M. Theresa Kevin T. C	Tolentino Meehan	
12	Attornevs	Jones for Plaintiff/Counter Defendant	
13	13 Patriot Řai	Corp. and Cross Defendants, , LLC and Larry Coe	
14	14		
15		<u>ORDER</u>	
16	Based on the Stipulation between the Parties, and due to the		
17	circumstances described in the Parties' Stipulation, the Court hereby enters the		
18		following Order:	
19		IT IS SO ORDERED that Sierra's Opposition to Patriot's MSJ shall be due by	
20	20 12:00 p.m. on Wednesday, December 1, 2010.	12:00 p.m. on Wednesday, December 1, 2010. Patriot's Reply Brief thereafter shall	
21	21 be due by 12:00 p.m. on Friday, December 10	be due by 12:00 p.m. on Friday, December 10, 2010. The hearing on this matter	
22	22 shall be continued to December 16, 2010, at	shall be continued to December 16, 2010, at 2:00 p.m. and the current hearing	
23	23 date of December 2, 2010, shall be vacated.	date of December 2, 2010, shall be vacated.	
24	²⁴ DATED: November 30, 2010	DATED: November 30, 2010	
25	25 ////		
26	MORRISON C. ENGLAND, JR		
27	27 UNITED STA	UNITED STATES DISTRICT JUDGE	
28	28		
	{1265494.DOC;}	Stipulation and [Proposed] Order 2:09-cv-00009-MCE-EFB	