

1 Louis A. Gonzalez, Jr., State Bar No. 157373
2 Scott M. Plamondon, State Bar No. 212294
3 **WEINTRAUB GENSHLEA CHEDIAK**
4 Law Corporation
5 400 Capitol Mall, 11th Floor
6 Sacramento, California 95814
7 (916) 558-6000 – Main
8 (916) 446-1611 – Facsimile

9 Attorneys for Defendant/Counterclaimant
10 Sierra Railroad Company

11 M. Theresa Tolentino Meehan, State Bar No. 204112
12 Kevin T. Collins, State Bar No. 185427
13 Melissa A. Jones, State Bar No. 205576
14 **Greenberg Traurig, LLP**
15 1201 K Street, Suite 1100
16 Sacramento, Ca 95814-3938
17 (916) 442-1111 - Main
18 (916) 448-1709 – Facsimile

19 Attorneys for Plaintiff/Counter Defendant
20 Patriot Rail Corp. and Cross Defendants,
21 Patriot Rail, LLC and Larry Coe

22 UNITED STATES DISTRICT COURT
23 EASTERN DISTRICT OF CALIFORNIA

24 PATRIOT RAIL CORP.,
25 Plaintiff,

26 vs.

27 SIERRA RAILROAD COMPANY, a
28 California corporation,
29 Defendants.

Case No. CIV-S-09-0009-MCE-EFB

**STIPULATION AND ORDER AMENDING
BRIEFING SCHEDULE AND HEARING
DATE ON PLAINTIFF AND COUNTER
DEFENDANT PATRIOT RAIL CORP.'S
MOTION FOR SUMMARY JUDGMENT**

Current Hearing Date:
Date: December 2, 2010
Time: 2:00 p.m.
Dept. 7
Judge: Morrison C. England, Jr.

30 AND RELATED COUNTERCLAIMS

New Hearing Date:
Date: December 16, 2010
Time: 2:00 p.m.
Dept. 7
Judge: Morrison C. England, Jr.

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

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

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

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

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

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

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

