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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PATRIOT RAIL CORP.,

No. 2:09-cv-00009 MCE EFB

Plaintiff,

v.

**ORDER**

SIERRA RAILROAD COMPANY,  
a California corporation,

Defendant.

\_\_\_\_\_  
And Related Counterclaim.

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Presently before the court is a motion (ECF No. 167) brought by Defendant and Counterclaimant Sierra Railroad Company ("Sierra") for a court order modifying the Protective Order in this matter, entered into the parties by stipulation on or about May 21, 2009. Having reviewed the papers submitted in support of and in opposition to that modification request, the Court believe that some change to the Protective Order is indicated for purposes of permitting certain due diligence disclosures in connection with ongoing acquisition negotiations between Sierra and a prospective purchaser, Iowa Pacific Holdings.

1 Given Plaintiff Patriot Rail Corporation's representation that is  
2 "remains amenable to discussing a modification that is tailored  
3 to allow disclosure of all pertinent information related to  
4 Sierra, while still protecting all of Patriot's confidential  
5 financial and proprietary information (Opp'n, 3:17-20), the Court  
6 will afford the parties fourteen (14) days after the date this  
7 Order is filed in order to reach a mutually acceptable revision  
8 of the Protective Order as it currently stands. The parties are  
9 directed to thereafter notify the Court as to whether a  
10 compromise has been reached. If no such agreement is forthcoming  
11 within the above-referenced time period, the Court will  
12 unilaterally make such changes to the Protective Order as it  
13 deems appropriate under the circumstances.

14 IT IS SO ORDERED.

15 Dated: October 21, 2011



18 MORRISON C. ENGLAND, JR.  
19 UNITED STATES DISTRICT JUDGE  
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