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 13 Patriot Rail Corp.; and Cross Defendants,
 14 Patriot Rail, LLC and Larry Coe

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA
 17 SACRAMENTO DIVISION

18 PATRIOT RAIL CORP., a Delaware
 19 corporation,

20 Plaintiff,

21 v.

22 SIERRA RAILROAD COMPANY, a
 California corporation,

23 Defendant.

24 And Related Counterclaim.
 25

Case No. 2:09-cv-00009-MCE-AC

STIPULATION AND ORDER TO
 CONTINUE THE JANUARY 24, 2013,
 HEARING ON DEFENDANT SIERRA
 RAILROAD COMPANY'S MOTION TO
 COMPEL SUPPLEMENTAL
 DISCOVERY

Current Hearing Date:

Date: January 24, 2013

Time: 2:00 p.m.

Dept: Courtroom 7

Judge: Morrison C. England, Jr.

New Hearing Date:

Date: February 7, 2013

Time: 2:00 p.m.

Dept: Courtroom 7

Judge: Morrison C. England, Jr.

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STIPULATION

Plaintiff and Counter Defendant Patriot Rail Corp. (“Patriot”), and Defendant and Counter Claimant Sierra Railroad Company (“Sierra”), collectively the “Parties,” hereby stipulate and agree as follows:

WHEREAS, on December 20, 2012, Sierra filed a Notice of Motion and Motion To Compel Supplemental Discovery (“Motion”).

WHEREAS, the hearing on Sierra’s Motion is currently set for January 24, 2013.

WHEREAS the Parties are continuing their meet and confer efforts, and believe that it would be beneficial to continue the hearing on the Motion to February 7, 2013, to allow additional time for the parties to complete the meet and confer and their attempts to resolve this matter informally.

THEREFORE, the Parties, by and through their respective counsel, hereby stipulate and agree that the hearing on Sierra’s Motion should be continued from January 24, 2013, to February 7, 2013, or as soon thereafter as the matter may be heard.

The undersigned, acting for, on behalf of, and with the full authorization of his or her client identified below, joins in this Stipulation.

Dated: January 17, 2013

STOEL RIVES, LLP

By: /s/ M. Theresa Tolentino Meehan
M. Theresa Tolentino Meehan
Attorneys for Plaintiff and Counter Defendant,
Patriot Rail Corp.; and Cross Defendants,
Patriot Rail, LLC and Larry Coe

Dated: January 17, 2013

WEINTRAUB TOBIN

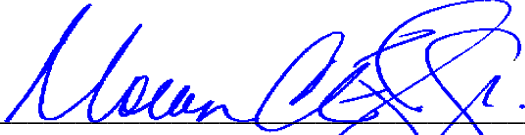
By: /s/ Scott Plamondon (as authorized on
January 16, 2013, via email)
Scott Plamondon
Attorneys for Defendant and Counter Claimant
Sierra Railroad Company

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ORDER

IT IS SO ORDERED that the foregoing Stipulation for Continuance is approved and adopted by this Court. The hearing on Defendant and Counter Claimant Sierra Railroad Company's Motion To Compel Supplemental Discovery shall be continued to February 7, 2013, at 2:00 p.m. in Courtroom 7, and the prior hearing on this Motion set for January 24, 2013, shall be vacated.

Dated: January 24, 2013



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT