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6 Attorneys for Plaintiff and Counter-Defendant,
 7 Patriot Rail Corp. and Cross-Defendant
 Patriot Rail, LLC

Attorneys for Defendant and Counterclaimant
 Sierra Railroad Company

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10 SACRAMENTO DIVISION

12 PATRIOT RAIL CORP., a Delaware
 13 corporation,
 14 Plaintiff,
 15 v.
 16 SIERRA RAILROAD COMPANY, a
 California corporation,
 17 Defendant.

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

**STIPULATION AND ORDER FOR
 EXTENDING TIME ON ATTORNEYS'
 FEES MOTION AND COST BILL**

Date: N/A
 Time: N/A
 Dept: Courtroom 2
 Judge: Hon. Troy L. Nunley

18 And Related Counterclaim
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1 **STIPULATION**

2 Defendant and Counter-claimant Sierra Railroad Company (“Sierra”) and Plaintiff and
3 Counter-defendant Patriot Rail Corp. (now Patriot Rail Company LLC) and Cross Defendant
4 Patriot Rail, LLC (now Pacific Rail LLC) (and collectively, “Patriot”) have met and conferred
5 and agreed as follows regarding the filing deadline for Sierra’s Attorneys’ Fees Motion and Cost
6 Bill.

7 On November 7, 2014, the Court signed a Stipulation and Order granting the extension of
8 time on the filing deadline of Sierra’s Attorneys’ Fees Motion and Cost Bill. ECF No. 534.
9 Pursuant to L.R. 144, the Stipulation and Order set the filing deadline to “28 days after the
10 hearing date set by the Court for the above post-trial motions.” *Id.* at 2. The enumerated post-
11 trial motions included Patriot’s Motion for New Trial (ECF No. 452-1), Patriot’s Motion for New
12 Trial or Judgment as a Matter of Law as to the Jury’s Punitive Damages Award (ECF No. 535),
13 and Patriot’s Motion for Judgment as a Matter of Law under Rule 50(b) (ECF No. 536). *Id.*

14 On November 17, 2014, the Court set a hearing date of February 26, 2015 for Patriot’s
15 three new trial motions. ECF No. 537.

16 On February 20, 2015, the Court ordered as submitted Patriot’s three new trial motions
17 and Patriot’s Motion to Strike Declarations (ECF No. 566, filed January 23, 2015), and vacated
18 the February 26, 2015 hearing date. Minute Order, ECF No. 577. The Court added that if it
19 determines oral argument is necessary, such argument “will be scheduled at a later date.” *Id.*

20 Subject to the Court’s approval, Patriot and Sierra have agreed that the filing deadline for
21 Sierra’s Attorneys’ Fees Motion and Cost Bill shall be extended to 28 days following the Court’s
22 latest ruling on any of the following motions:

- 23 • Patriot’s Motion for New Trial (ECF No. 452-1)
- 24 • Patriot’s Motion for New Trial or Judgment as a Matter of Law as to the
25 Jury’s Punitive Damages Award (ECF No. 535)
- 26 • Patriot’s Motion for Judgment as a Matter of Law under Rule 50(b) (ECF
27 No. 536)
- 28 • Patriot’s Motion to Strike Declarations (ECF No. 566)

1 Good cause exists to extend time on Sierra's Attorneys' Fees Motion and Cost Bill
2 because additional attorneys' fees and costs may be generated in connection with the above
3 motions, particularly if the Court later schedules oral argument, and any attorneys' fees motion or
4 costs bill that Sierra would file under the previously ordered deadline would need to be
5 supplemented.

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7 Respectfully submitted,

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9 Dated: March 9, 2015

MARY-OLGA LOVETT
STEPHEN E. PAFFRATH
GREENBERG TRAURIG, LLP

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11
12 By: /s Mary-Olga Lovett (as authorized on 3-9-15)
MARY-OLGA LOVETT
13 Attorneys for Plaintiff and Counter-Defendant
14 Patriot Rail Corp. and Cross-Defendant Patriot Rail,
LLC

15 Dated: March 9, 2015

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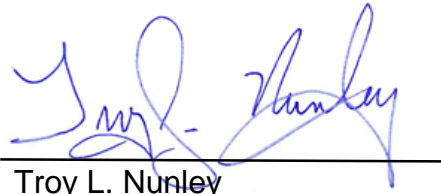
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17
18 By: /s Michael C. Weed
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19 Attorneys for Defendant and Counterclaimant
20 Sierra Railroad Company
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ORDER

IT IS SO ORDERED.

Dated: March 11, 2015



Troy L. Nunley
United States District Judge