

1 LISA L. HALKO – SBN 148873
 2 M. THERESA TOLENTINO MEEHAN – SBN 204112
 3 SARAH W. ASPLIN – SBN 260851
 4 GREENBERG TRAUIG, LLP
 5 1201 K Street, Suite 1100
 6 Sacramento, CA 95814-3938
 7 Telephone: (916) 442-1111
 8 Facsimile: (916) 448-1709
 9 halkol@gtlaw.com
 10 meehant@gtlaw.com
 11 asplins@gtlaw.com

12 Attorneys for Plaintiff and Counter Defendant,
 13 Patriot Rail Corp., and Cross Defendants,
 14 Patriot Rail, LLC and Larry Coe

15 LOUIS A. GONZALEZ, JR., SBN 157373
 16 W. SCOTT CAMERON, SBN 229828
 17 WEINTRAUB GENSHLEA CHEDIAK, A LAW CORPORATION
 18 400 Capitol Mall, 11th Floor
 19 Sacramento, CA 95814
 20 Telephone: (916) 558-6000
 21 Facsimile: (916) 446-1611
 22 wcameron@weintraub.com
 23 lgonzalez@weintraub.com

24 Attorneys for Defendant and
 25 Counter-Claimant, Sierra Railroad Company

26 UNITED STATES DISTRICT COURT
 27 FOR THE EASTERN DISTRICT OF CALIFORNIA

28 PATRIOT RAIL CORP., a Delaware
 corporation,

Plaintiff,

v.

SIERRA RAILROAD COMPANY, a
 California corporation,

Defendant.

And Related Counterclaim.

CASE NO. 2:09-CV-00009-MCE-EFB

STIPULATION AND ORDER FURTHER
 AMENDING PRETRIAL SCHEDULING
 ORDER

1 acceptable to Judge England, with the Parties submitting confidential settlement statements to
2 Judge England's chambers as directed by the Court,

3 WHEREAS the Parties also believe that an extension of the non-expert discovery cut-
4 off and postponement of the Mandatory Settlement Conference will require modification of
5 other related discovery and law and motion deadlines in the Court's Pretrial Scheduling Order
6 so that they occur after the completion of discovery;

7 WHEREAS good cause exists for, and none of the Parties to this matter shall be
8 prejudiced by, an extension of the expert discovery cut-off and deadlines for filing and hearing
9 dispositive motions;

10 WHEREAS, the Court has already continued the trial of this matter to March 19, 2012,
11 none of the extensions in this stipulation and proposed order will effect the trial date;

12 WHEREAS the Parties stipulate and agree to disclose expert witnesses and expert
13 witness reports on July 9, 2010;

14 WHEREAS the Parties stipulate and agree to disclose supplemental expert witnesses
15 and reports for supplement experts, within 20 days of the initial expert disclosure, as set forth in
16 the Court's May, 18, 2009 scheduling order, on or before July 29, 2010; and

17 WHEREAS the Parties agree to extend the last day to have dispositive motions heard to
18 August 26, 2010.

19 THE PARTIES, THROUGH THEIR RESPECTIVE ATTORNEYS OF RECORD,
20 HEREBY STIPULATE pursuant to Fed. R. Civ. P. 16(b)(4) and request that the Court amend
21 its Pretrial Scheduling Order to extend the non-expert discovery cut-off in this matter to June
22 18, 2010, reschedule the Mandatory Settlement Conference to June 30, 2010, or on a date after
23 the proposed non-expert discovery cut-off of June 18, 2010 that is acceptable to Judge England,
24 and require the Parties to submit a confidential settlement statement to Judge England's
25 chambers as directed by the Court. The Parties further stipulate and request that the Court
26 amend its Pretrial Scheduling Order to extend the deadline to disclose expert witnesses and
27 expert witness reports to July 9, 2010 and the deadline for supplemental expert witness
28 disclosures and to exchange supplemental expert witness reports to July 19, 2010; the last day

1 to hear dispositive motions would accordingly be set on August 26, 2010, or a date thereafter
2 that is acceptable to Judge England.

3
4 Dated: April 27, 2010

GREENBERG TRAURIG, LLP

5 By: /s/ Sarah W. Asplin
6 Lisa L. Halko
7 M. Theresa Tolentino Meehan
8 Sarah W. Asplin
9 Attorneys for Plaintiff/Counter Defendant Patriot
10 Rail Corp. and Cross Defendants Patriot Rail,
11 LLC and Larry Coe

12
13 Dated: April 27, 2010

WEINTRAUB GENSHEA CHEDIAK


14
15 By: /s/ Louis A. Gonzalez, Jr. (as authorized on 4/27/10)
16 Louis A. Gonzalez, Jr.
17 W. Scott Cameron
18 Attorneys for Defendant and Counter Claimant
19 Sierra Railroad Company
20
21
22
23
24
25
26
27
28

ORDER

As it appears the Parties must now complete several depositions both in California and out of state, have stipulated to an extension of the non-expert and expert discovery cut-offs, as well as the last day to hear dispositive motions, and as the Court finds good cause to amend its Pretrial Scheduling Order to extend the cut-offs and to postpone the Mandatory Settlement Conference currently set for June 4, 2010,

IT IS SO ORDERED that the Pretrial Scheduling Order shall be amended to extend the non-expert discovery cut-off to June 18, 2010, and reschedule the Mandatory Settlement Conference before Judge England to July 9, 2010 at 9:00 a.m., with the Parties to submit a confidential settlement statement to Judge England's chambers on or before July 2, 2010. It is further ordered that the deadline to disclose expert witnesses shall be moved to July 9, 2010 and the deadline for supplemental expert witness disclosures shall be moved to July 29, 2010. The last day to hear dispositive motions will be set for August 26, 2010.

DATE: April 28, 2010


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE