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Judgment Debtors Gary O. Marino, Patriot
Equity, LLC, and Pacific Rail Holdings, LLC*

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA
3 SACRAMENTO DIVISION

4 PATRIOT RAIL CORP., a Delaware
corporation,

5 Plaintiff,

6 v.

7 SIERRA RAILROAD COMPANY, a
California corporation,

8 Defendant.

9 SIERRA RAILROAD COMPANY, a
10 California corporation,

11 Counter-Claimant,

12 v.

13 PATRIOT RAIL, LLC, PATRIOT RAIL
CORPORATION, and LARRY COE,

14 Counter-Defendants.

15 AND ALL RELATED COUNTERCLAIMS
16 AND COUNTERCLAIMANTS.

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

**JOINT STIPULATION AND ORDER
TO DISMISS ACTION WITH
PREJUDICE**

[E.D. CAL. LOCAL RULE 160]

[[PROPOSED] ORDER FILED
CONCURRENTLY HEREWITH]

Judge: Hon. Troy L. Nunley

17 Through this Joint Stipulation and Order to Dismiss Action with Prejudice, Plaintiff and
18 Counter-Defendant Patriot Rail Company LLC (*f/k/a* Patriot Rail Corp.), Defendant and Counter-
19 Claimant Sierra Railroad Co., Counter-Defendant Pacific Rail, LLC (*f/k/a* Patriot Rail LLC), and
20 Non-Parties and Proposed Judgment Debtors Gary O. Marino, Patriot Equity, LLC, and Pacific Rail
21 Holdings, LLC (collectively, the “Group”), hereby stipulate that the complaint in the above-
22 captioned case be and hereby is dismissed with prejudice pursuant to Federal Rule of Civil
23 Procedure 41(a)(1) according to the attached [Proposed] Order in the above-captioned action.

24 Each member of the Group shall bear its own attorneys’ fees and costs in connection with
25 this action.
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ORRICK HERRINGTON & SUTCLIFFE LLP

Dated: May 20, 2016

O'MELVENY & MYERS LLP

Dated: May 20, 2016

GREENBERG TRAURIG LLP

Dated: May 20, 2016

HOLLAND & KNIGHT LLP

I hereby attest that I have on file the permission of all necessary filers for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

/s/ Michael Weed

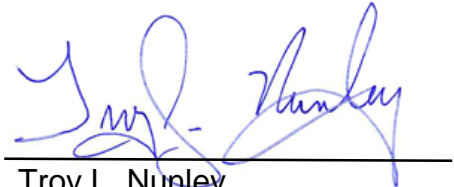
Michael Weed

1
2 **ORDER TO DISMISS ACTION WITH PREJUDICE**

3 The Court, having reviewed the Joint Stipulation to Dismiss Action with Prejudice of
4 Plaintiff and Counter-Defendant Patriot Rail Company LLC (f/k/a Patriot Rail Corp.), Defendant
5 and Counter-Claimant Sierra Railroad Co., Counter-Defendant Pacific Rail, LLC (f/k/a Patriot Rail
6 LLC), and Non-Parties and Proposed Judgment Debtors Gary O. Marino, Patriot Equity, LLC, and
7 Pacific Rail Holdings, LLC (collectively, the “Group”), and good cause appearing, hereby orders
8 that all dates and hearings are hereby vacated and this case is dismissed with prejudice, each
9 member of the Group to bear its own costs and fees.

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11 **IT IS SO ORDERED.**

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13 Dated: May 20, 2016

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16 Troy L. Nunley
17 United States District Judge
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