

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

LAW OFFICES OF  
**REINER, SIMPSON  
& SLAUGHTER**  
2851 Park Marina Drive, Suite 200  
Post Office Box 494940  
Redding, CA 96049-4940  
(530) 241-1905  
FAX (530) 241-0622

Russell Reiner, State Bar No. 84461  
Robert G. Simpson, State Bar No. 67556  
Todd E. Slaughter, State Bar No. 87753

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDDIE HORNER,  
  
Plaintiff,  
  
vs.

Case No. 2:09-CV-01564-FCD-CMK  
  
**STIPULATION AND ORDER FOR  
FILING THIRD AMENDED  
COMPLAINT**

PANELTECH INTERNATIONAL, LLC;  
Et al.,  
  
Defendants.

AND ALL RELATED CROSS-CLAIMS  
AND THIRD PARTY ACTIONS.

WHEREAS, Plaintiff has just learned that the party sued as Defendant THE GREENBRIER COMPANIES, INC., in the Second Amended Complaint was erroneously named, and that the true name for this defendant is GUNDERSON RAIL SERVICES, LLC aka GREENBRIER RAIL SERVICES. By this Third Amended Complaint, Plaintiff seeks to substitute defendant GUNDERSON RAIL SERVICES, LLC aka GREENBRIE RAIL SERVICES for the erroneously named as defendant THE GREENBRIER COMPANIES, INC. in the Second amended Complaint. Accordingly, the parties have stipulated as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS HEREBY STIPULATED by and between the parties hereto, through their respective attorneys of record, that Plaintiff may file a Third Amended Complaint to name new defendants, GUNDERSON RAIL SERVICES, LLC aka GREENBRIER RAIL SERVICES, a copy of which is attached hereto.

IT IS FURTHER STIPULATED that the Answers filed by Defendants PANELTECH INTERNATIONAL, LLC and CENTRAL OREGON PACIFIC RAILROAD INC. to Plaintiff's Second Amended Complaint shall be deemed to apply to this Third Amended Complaint without further notice or filing of papers.

Dated: November 16, 2010

REINER, SIMPSON & SLAUGHTER

By: \_\_\_\_\_/s/\_\_\_\_\_  
TODD E. SLAUGHTER  
Attorney for Plaintiff

Dated: November 16, 2010

THE COSTA LAW FIRM

By: \_\_\_\_\_/s/\_\_\_\_\_  
DANIEL P. COSTA  
Attorney for Defendant/Cross-Complainant/Cross Defendant, Paneltech International LLC

Dated: November 16, 2010

LOMBARDI, LOPER & CONANT, LLP

By: \_\_\_\_\_/s/\_\_\_\_\_  
B. CLYDE HUTCHINSON  
Attorney for Defendant, Cross-Defendant/Cross-Complainant, CENTRAL OREGON PACIFIC RAILROAD INC

**IT IS SO ORDERED.**

Dated: November 16, 2010

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE