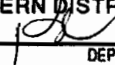


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FILED

AUG 9 2010

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY  DEPUTY CLERK

6 Attorneys for Defendants and Counterclaimants
 BNSF RAILWAY COMPANY, sued herein as BURLINGTON
 7 NORTHERN AND SANTA FE RAILWAY CORPORATION,
 and UNION PACIFIC RAILROAD COMPANY
 8

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 THE REDEVELOPMENT AGENCY OF
 THE CITY OF STOCKTON, a public body,
 12 corporate and politic,

13 Plaintiff,

14 v.

15 BURLINGTON NORTHERN AND SANTA
 FE RAILWAY CORPORATION; UNION
 16 PACIFIC RAILROAD COMPANY; and
 DOES 1 through 100,
 17

18 Defendants.

Case No. 2:10-CV-00634-JAM-JFM

~~PROPOSED~~ ^{JAM} ORDER GRANTING
 DEFENDANTS' MOTION FOR STAY
 OF PROCEEDINGS PENDING APPEAL
 IN RELATED CASE

Date: August 4, 2010
 Time: 9:30 a.m.
 Location: Courtroom 6
 Judge: Hon. John A. Mendez

19 AND RELATED COUNTERCLAIMS
 20

21 Pursuant to Local Rule 230 and this Court's inherent power to control disposition of the
 22 cases on its docket under *Landis v. North American Co.*, 299 U.S. 248 (1936), Defendants BNSF
 23 RAILWAY COMPANY and UNION PACIFIC RAILROAD COMPANY ("the Railroads") have
 24 moved for an order granting their motion for stay of all proceedings in the above-entitled action
 25 pending disposition of their appeals, and plaintiff The Redevelopment Agency of the City of
 26 Stockton's ("Agency") cross-appeal, in a directly related but separate action in this district, *The*
 27 *Redevelopment Agency of the City of Stockton v. Burlington Northern and Santa Fe Railway*
 28 *Corporation, et al.*, 2:05-CV-02087-JAM-JFM ("2005 Action"). The Railroads' appeals and the



[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION FOR STAY OF PROCEEDINGS
 PENDING APPEAL IN RELATED CASE
 U.S.D.C - E.D. Cal., Case No. 2:10-CV-00634-JAM-JFM

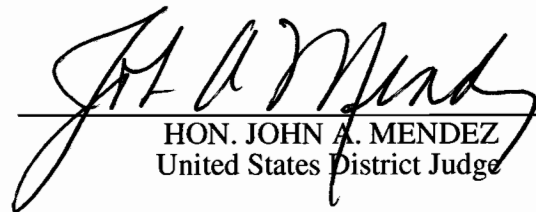
1 Agency's cross-appeal in the 2005 Action are currently pending before the Court of Appeals for
2 the Ninth Circuit (Case Nos. 09-16585, 09-16739 and 09-17640).

3 The Court, having fully considered the papers filed by the parties and the arguments of
4 counsel, and good cause appearing, hereby orders that:

- 5 1. The Railroads' motion is GRANTED. *gaw*
6 2. All further proceedings in this action are stayed ~~pending~~ *until June 30, 2011 or final* disposition of the *gaw*
7 Railroads' appeals and the Agency's cross-appeal in the 2005 Action, *whichever occurs first.*
8 3. Within thirty (30) days of *June 30, 2011 or* receiving notice that the Court of Appeals has fully and
9 finally disposed of the appeals and cross-appeal in the 2005 Action, the parties shall file with this
10 Court ~~joint or individual~~ *gaw* statements *gaw* setting forth the parties' positions regarding the impact of the
11 Court of Appeals' decision on further proceedings in this Action, *gaw* *or the need for a further stay.*

12 IT IS SO ORDERED.

13
14 Dated: August 9, 2010


HON. JOHN A. MENDEZ
United States District Judge

