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6 SKYLINE SCAFFOLD, INC.

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

10  
11 VIRGINIA ROGERS,

12 Plaintiff,

13 v.

14 NATIONAL RAILROAD PASSENGER  
CORPORATION; DIEDE  
15 CONSTRUCTION, INC.; CITY OF  
SACRAMENTO, et al.,

16 Defendants.  
17

Case No. 2:13 CV-01932-AC

**STIPULATION MODIFYING PRETRIAL  
ORDER; AND ORDER**

Trial: December 1, 2014  
Dept. 26  
Judge: Allison Claire, Magistrate

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19 **TO ALL PARTIES, AND THEIR RESPECTIVE COUNSEL OF RECORD:**

20 VIRGINIA ROGERS (hereinafter referred to as “plaintiff”), Defendant and Third-Party  
21 Plaintiff DIEDE CONSTRUCTION (“DIEDE”), Defendant NATIONAL RAILROAD  
22 PASSENGER CORPORATION (“AMTRAK”), Defendant CITY OF SACRAMENTO  
23 (“CITY”), and Defendant and Third-Party Defendant SKYLINE SCAFFOLD, INC.  
24 (“SKYLINE”) (collectively referred to as “the Parties”) hereby stipulate to a continuance of the  
25 December 1, 2014 Trial date to **March 23, 2015 at 9:00 a.m. in Department 26**; and a  
26 continuance of the October 29, 2014 Final Pretrial Conference date to **January 28, 2015 at**  
27 **10:00 a.m. in Department 26**, or to further dates as the Court shall permit. The Parties further  
28 stipulate to continue other dates set forth in this Court’s January 29, 2014 Order. Given the

1 recent appearance of SKYLINE as a party to this action, the continuance is necessary to allow  
2 time to conduct discovery and prepare for trial before the existing trial date and the pretrial  
3 conference dates.

4 **RECITALS**

5 WHEREAS, SKYLINE first appeared in this matter on March 28, 2014, after this Court  
6 issued its January 29, 2014 Order.

7 WHEREAS the Parties agree a brief extension of the dates previously set by this Court  
8 for trial, pretrial conference, discovery and law and motion will not prejudice any party and this  
9 continuance is in the interests of justice;

10 WHEREAS, all parties agree to a continuance of the current Trial and Pretrial  
11 Conference dates and other dates set forth in this Court's January 29, 2014 Order; and

12 WHEREAS, a brief continuance will allow the parties time to properly conduct discovery  
13 and pursue settlement negotiations or, alternatively, adequately prepare for trial should  
14 settlement not be achieved.

15 **STIPULATION**

16 **IT IS STIPULATED** between the Parties, by and through their respective counsel, that  
17 the trial in this matter be continued from December 1, 2014 to **March 23, 2015** or to a date  
18 thereafter convenient to the Court, the parties, and their counsel.

19 **IT IS STIPULATED** between the Parties, by and through their respective counsel, that  
20 the Pretrial Conference in this matter be continued from October 29, 2014 to **January 28, 2015**,  
21 or to a date thereafter convenient to the Court, the parties, and their counsel.

22 **IT IS FURTHER STIPULATED** that the applicable discovery and motion cut-off dates  
23 will correspond with the new trial date as follows:

24 1. All discovery shall be completed by October 1, 2014. Motions to compel must be  
25 heard not later than September 10, 2014.

26 2. Initial expert disclosures shall be made on or before October 31, 2014; rebuttal  
27 expert disclosures on or before November 30, 2014.

1           3.       All pretrial motions, except motions to compel discovery, shall be completed as  
2 described herein on or before January 2, 2015.

3           **IT IS FURTHER STIPULATED** that this Stipulation may be executed in counterparts  
4 and that carbon and/or facsimile copies of this stipulation may be treated as the original for  
5 purposes of filing with the court or otherwise.

6           **IT IS SO STIPULATED.**

7 Dated: \_\_\_\_\_, 2014

SHEPARD AND HAVEN, LLP

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10 \_\_\_\_\_  
Kenneth B. Shepard  
Attorneys for Plaintiff  
VIRGINIA ROGERS

11  
12 Dated: \_\_\_\_\_, 2014

LAW OFFICES OF SAMUEL GRADER

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14 \_\_\_\_\_  
Samuel G. Grader  
Attorneys for Defendant and Third-Party  
Plaintiff DIEDE CONSTRUCTION,  
Defendant CITY OF SACRAMENTO

15  
16  
17 Dated: \_\_April 28, 2014

LOMBARDI, LOPER & CONANT, LLP

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19 */s/ B. Clyde Hutchinson*  
20 \_\_\_\_\_  
B. Clyde Hutchinson  
Attorneys for Defendant NATIONAL  
RAILROAD PASSENGER CORPORATION  
also known as AMTRAK,

21  
22 Dated: \_\_\_\_\_, 2014

ARCHER NORRIS

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25 Lisa M. Estabrook  
26 Attorneys for Defendant and Third-Party  
27 Defendant SKYLINE SCAFFOLD, INC.  
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**ORDER GRANTING CONTINUANCE OF TRIAL AND OTHER DATES**

On proof being made to the satisfaction of this Court, and for good cause appearing therefore;

**IT IS ORDERED** that the Stipulation to continue trial pursuant to the Parties' Stipulation is hereby approved and **GRANTED**.

**IT IS FURTHER ORDERED** that pursuant to the stipulation of the Parties, the January 29, 2014 Order of this Court is modified as follows:

1. All discovery shall be completed by October 1, 2014. Motions to compel must be heard not later than September 10, 2014.
2. Initial expert disclosures shall be made on or before October 31, 2014; rebuttal expert disclosures on or before November 30, 2014.
3. All pretrial motions, except motions to compel discovery, shall be completed as described herein on or before January 2, 2015.
4. The final pretrial conference is set before the undersigned on January 28, 2015 at 10:00 a.m. in Courtroom No. 26. Pretrial statements shall be filed in accordance with Local Rules 281 and 282, and the requirements set forth herein.
5. A jury trial is set to commence before the undersigned on March 23, 2015 at 9:00 a.m. in Courtroom No. 26.

Date: April 29, 2014

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE