

1 Catherine S. Nasser (State Bar No. 246191)  
cnasser@JonesDay.com

2 JONES DAY  
555 California Street, 26th Floor  
3 San Francisco, CA 94104  
Telephone: +1.415.626.3939  
4 Facsimile: +1.415.875.5700

5 Donald J. Munro (State Bar No. 453600) (admitted *pro*  
*hac vice*)

6 dmunro@jonesday.com  
JONES DAY  
7 51 Louisiana Avenue, NW  
Washington, DC 20001  
8 Telephone: +1.202.879.3922  
Facsimile: +1.202.626.1700

9 Attorneys for Plaintiffs  
10 NATIONAL RAILROAD PASSENGER  
CORPORATION, BNSF RAILWAY COMPANY,  
11 UNION PACIFIC RAILROAD COMPANY, AND  
LOS ANGELES JUNCTION RAILWAY

12 ADDITIONAL COUNSEL ON SIGNATURE PAGE

13  
14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA  
16 SACRAMENTO DIVISION  
17

18 NATIONAL RAILROAD PASSENGER  
CORPORATION (D/B/A AMTRAK),  
19 BNSF RAILWAY COMPANY, UNION  
PACIFIC RAILROAD COMPANY, and  
20 LOS ANGELES JUNCTION RAILWAY

21 **Plaintiffs,**

22 **v.**

23 STATE OF CALIFORNIA, STATE OF  
CALIFORNIA DIVISION OF LABOR  
24 STANDARDS ENFORCEMENT, and  
JULIE SU, in her official capacity as Labor  
25 Commissioner, State of California Division  
of Labor Standards Enforcement,

26 **Defendants.**  
27

Case No. 2:15-cv-00924-WBS-EFB

**JOINT STATUS REPORT; ORDER**

1           On October 22, 2015, the Court issued a order [Dkt. No. 5] extending a stay of all  
2 proceedings in the above-captioned matter to allow the parties to continue ongoing settlement  
3 efforts. Since then, the parties – including Plaintiffs National Railroad Passenger Corporation  
4 (d/b/a Amtrak), BNSF Railway Company, Union Pacific Railroad Company, and Los Angeles  
5 Junction Railway (collectively, “Plaintiffs”) and Defendants the State of California, the State of  
6 California Division of Labor Standards Enforcement, and Julie Su, in her official capacity as  
7 Labor Commissioner (collectively, “Defendants”) – have had a series of discussions in an attempt  
8 to resolve the underlying dispute. In addition, the parties have exchanged a substantial amount of  
9 information, including responses to informal document requests and written questions. The  
10 parties’ most recent discussions were on January 25, 2016.

11           Despite these negotiations, including substantial good faith efforts by both sides, the  
12 parties have not yet found a solution that is mutually acceptable. They are continuing to talk. In  
13 the meantime, in accordance with the terms of the Court’s previous order, the parties jointly  
14 request that the Court issue a new scheduling order. A proposed order is attached.

15  
16 Respectfully submitted,

17  
18  
19 Dated: January 28, 2016

JONES DAY

20           By: /s/ Catherine S. Nasser

21           Catherine S. Nasser  
22           Donald J. Munro

23           Attorneys for Plaintiffs  
24           NATIONAL PASSENGER RAILROAD CORPORATION,  
25           BNSF RAILWAY COMPANY, UNION PACIFIC  
26           RAILROAD COMPANY, AND LOS ANGELES  
27           JUNCTION RAILWAY  
28

1 Dated: January 28, 2016

KAMALA D. HARRIS  
Attorney General of California  
TAMAR PACHTER  
Supervising Deputy Attorney General

2  
3  
4 By: /s/ Peter Chang  
Peter Chang

5  
6 Attorneys for Defendants  
STATE OF CALIFORNIA, STATE OF CALIFORNIA  
7 DIVISION OF LABOR STANDARDS ENFORCEMENT,  
and JULIE SU, in her official capacity as Labor  
8 Commissioner

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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


**ORDER**

Pursuant to the provisions of Federal Rule of Civil Procedure 16 and the previous orders of this Court:

1. A Status (Pretrial Scheduling) Conference is set for **March 28, 2016 at 1:30 p.m.** before the undersigned judge in **Courtroom 5.**
2. A Joint Status Report shall be filed no later than **March 14, 2016** in accordance to the previous orders as outlined in the Court's Order Re: Status (Pretrial Scheduling) Conference filed April 29, 2015 (Docket No. 3). All other provisions of this Court's previous Scheduling Order [Dkt. No. 3] shall apply as previously stated.
3. The stay of this action is lifted.

**IT IS SO ORDERED.**

Dated: January 29, 2016

  
\_\_\_\_\_  
**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**