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10 Attorneys for Defendants  
UNION PACIFIC RAILROAD COMPANY

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

8-CV-1256

13 NORTHERN CALIFORNIA WATCH,  
a non-profit Corporation,

14 Plaintiff,

15 v.

16 UNION PACIFIC RAILROAD COMPANY,  
17 WEST COAST METALS INC. and DOES 1 – 10,  
Inclusive,

18 Defendants.  
19  
20  
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Case No.: CV-01256-MMC

**STIPULATION RE: ENLARGEMENT OF  
TIME TO ANSWER AND FILE CASE  
MANAGEMENT STATEMENT AND TO  
RESCHEDULE CASE MANAGEMENT  
CONFERENCE AND PROPOSED ORDER**

**Date: September 26, 2008**

**Time: 10:30 A.M**

**Dept: Courtroom 7**

**Judge: Honorable Maxine M. Chesney**

22 The parties, by and through their counsel, Melissa Hagan of the Law Department of Union Pacific  
23 Railroad for defendant Union Pacific Railroad, Jack Silver of Law Office of Jack Silver for plaintiff  
24 Northern California Watch, and Cameron S. Kirk of Spaulding, McCullough & Tansil LLP and Mordecai  
25 D. Boone of Gordon & Rees LLP for defendant West Coast Metals, Inc. stipulate and request this Court as  
26 follows:  
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1 The parties request that the Initial Case Management Conference now set for September 26, 2008 at  
2 10:30 AM pdt in Courtroom 7 be continued to a date after October 13, 2008, with the Case Management  
3 Conference Statement, Rule 26 Disclosure Report and related dates also moved to reflect the modification  
4 to the date of the Case Management Conference.

5 The parties agree that defendants Union Pacific Railroad and West Coast Metals, Inc. will have an  
6 additional fourteen days to respond to the Complaint, to and including October 6, 2008.

7 The parties have agreed to these extensions to accommodate Melissa Hagan, counsel for Union  
8 Pacific Railroad who resides and works in Houston, Texas, a city significantly impacted by Hurricane Ike.  
9 Hurricane Ike made landfall in Texas on Saturday, September 13, 2008. Counsel's office and home were  
10 and continue to be impacted by Hurricane Ike such that the conduct of normal business is difficult.  
11 Hagan's office was closed from September 12, 2008 until September 17, 2008 and to date most of the  
12 Union Pacific law department staff is still unable to return to work. The parties are aware that this  
13 stipulation is filed less than the required 10 days prior to the scheduled Initial Case Management  
14 Conference as set out in L.R. 6-1(b) and asks the Court to waive this requirement under the present difficult  
15 circumstances.

16 DATED: September 18, 2008

17 Union Pacific Railroad Company

18  
19 By: /s/ Melissa B. Hagan

20 Attorneys for Defendant  
21 Union Pacific Railroad Company

22 DATED: September 18, 2008

23 Gordon & Rees LLP

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25 By: /s/ Mordecai D. Boone

26 Attorneys for Defendant  
27 West Coast Metals, Inc.

1 DATED: September 18, 2008

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Spaulding McCullough & Tansil LLP

By: /s/ Cameron Scott Kirk

Attorneys for Defendant  
West Coast Metals, Inc.

DATED: September 18, 2008

Law office of Jack Silver

By: /s/ Jack Silver

Attorneys for Plaintiff  
Northern California Watch

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**ORDER**

IT IS SO ORDERED. Specifically, the Initial Case Management Conference is continued from September 26, 2008 to October 17, 2008. A Joint Case Management Statement shall be filed no later than October 10, 2008.

Dated: September 19, 2008

  
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Judge Maxine M. Chesney