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6 Attorneys for Defendant  
 NATIONAL RAILROAD PASSENGER CORPORATION  
 7 D/B/A AMTRAK

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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 KEVIN M. THOMPSON,

14 Plaintiff,

15 v.

16 NATIONAL RAILROAD PASSENGER  
 17 CORPORATION dba AMTRAK

18 Defendants.  
 19

Case No: C 08-03280 CRB

STIPULATION TO CONTINUE  
 HEARING ON MOTION TO  
 DISMISS; DECLARATION OF  
COUNSEL ORDER

Local Rule 6-2

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 21 The undersigned parties, by and through their counsel of record, hereby stipulate pursuant  
 22 to Local Rule 6-2 that the hearing on the pending motion to dismiss filed by defendant National  
 23 Railroad Passenger Corporation d/b/a Amtrak, currently set for February 20, 2009, be continued  
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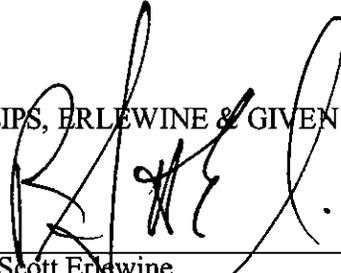
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1 to March 27, 2009, with the deadlines to file opposition and reply papers corresponding to the  
2 new hearing date.

3  
4 DATED: January 29, 2009

PHILLIPS, ERLEWINE & GIVEN LLP

5  
6 By:   
7 R. Scott Erlewine  
8 Attorneys for Defendant National Railroad  
9 Passenger Corporation, d/b/a Amtrak

10 DATED: January 29, 2009

11   
12 Daniel Berko  
13 Attorney for Plaintiff Kevin M Thompson

14 DECLARATION OF COUNSEL

15 R. Scott Erlewine declares:

16 1. I am a partner with Phillips, Erlewine & Given LLP, counsel for defendant  
17 National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") in this case. The matters  
18 stated in this declaration are based upon my personal knowledge.

19 2. The court has assigned this case to mediation, which is scheduled to occur on  
20 February 23, 2009.

21 3. Amtrak has pending a Motion to Dismiss the Sixth Claim For Relief in plaintiff's  
22 Second Amended Complaint, which is currently scheduled for hearing on February 20, 2009.

23 4. In order to avoid the time and expense of plaintiff having to respond to Amtrak's  
24 pending motion to dismiss prior to the mediation, the parties hereby request that the hearing on  
25 the pending motion be continued to March 27, 2009, with the deadlines to file opposition and  
26 reply papers corresponding to the new hearing date.

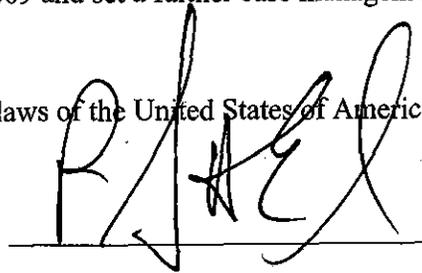
27 5. There have been no prior continuances of the hearing on the pending motion to  
28 dismiss.

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6. The requested continuance will not affect the scheduling of this case. The court last week set this matter for trial on November 2, 2009 and set a further case management conference on April 24, 2009.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: January 29, 2009



R. SCOTT ERLEWINE

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on defendant's pending motion to dismiss be and is hereby continued from February 20, 2009 at 10:00 a.m. to March 27, 2009 at 10:00 a.m. The deadlines to file and serve opposition and reply papers shall correspond to the new hearing date.

DATED: February 03, 2009

