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 20 NATIONAL RAILROAD PASSENGER
 21 CORPORATION

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA

24 MARY B. FOYE,
 25 Plaintiff,
 26 v.
 27 NATIONAL RAILROAD PASSENGER
 28 CORPORATION
 Defendant.

Case No. C 3:08-cv-04796-SI

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING DEADLINE TO
 COMPLETE MEDIATION**

Complaint Filed: July 17, 2008
 Trial Date: July 12, 2010

Plaintiff Mary B. Foye and Defendant National Railroad Passenger Corporation ("Amtrak"), by and through their counsel of record, submit the following Stipulation and Proposed Order Continuing the Deadline to Complete Mediation.

1. The current deadline to complete mediation is May 13, 2009.
2. Good cause exists to continue the mediation deadline 60 days because there are outstanding pleading issues that need to be resolved before the parties mediate.

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Apr. 13. 2009 9:29AM

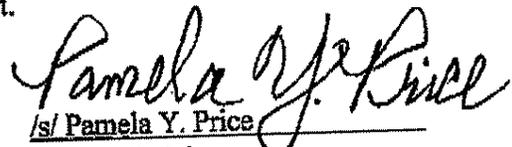
Price And Associates

No. 4911

1 3. Defendant filed a motion to amend its answer on February 13, 2009.¹ On
 2 March 16, 2009, Plaintiff filed a motion to amend her complaint to add two new claims. Both
 3 motions will be heard on May 8, 2009. Continuing the mediation deadline 60 days will allow
 4 sufficient time for the Court to hear the pending motions and, if necessary, sufficient time for
 5 Plaintiff to file an amended complaint and for Defendant to respond to the amended complaint
 6 before the parties attempt to mediate. In addition, if Plaintiff's motion to amend her complaint is
 7 granted, Defendant will conduct initial discovery of Plaintiff's new claims prior to the mediation.
 8 As such, the parties have agreed to request a 60-day continuance of the deadline to complete
 9 mediation, such that the deadline is continued from May 13, 2009 to July 13, 2009.

10 4. The parties' proposed continuance of the mediation deadline will not affect
 11 any other deadlines previously set by the Court.

12
 13 Dated: April 13, 2009


 /s/ Pamela Y. Price
 Pamela Y. Price
 Attorney for Plaintiff Mary B. Foye

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 15
 16 Dated: April 13, 2009

/s/ Erika Barbara Pickles
 Erika Barbara Pickles
 Attorney for Defendant
 National Railroad Passenger Corporation

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 20 **PURSUANT TO STIPULATION, IT IS SO ORDERED:** The deadline to complete
 21 mediation is continued from May 13, 2009 to July 13, 2009.

22
 23
 24 Dated: _____


 Judge Susan Illston
 United States District Court Judge

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 26
 27
 28 ¹ Defendant's motion was re-filed on March 11, 2009 before Judge Marilyn H. Patel, after the case was reassigned to Judge Patel.