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NATIONAL RAILROAD PASSENGER
7 CORPORATION

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

10
11 MARY B. FOYE,

12 Plaintiff,

13 v.

14 NATIONAL RAILROAD PASSENGER
CORPORATION

15 Defendant.
16

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

**[PROPOSED] ORDER REGARDING
MOTIONS TO AMEND**

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

17 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

18 The Court has received Plaintiff Mary Foye and Defendant National Railroad
19 Passenger Corporation (“Amtrak”) (collectively “the parties”) Supplemental Joint Case
20 Management Statement and the parties, through their respective counsel of record, appeared
21 before the Court at the Further Case Management Conference on April 24, 2009. After full
22 consideration of the parties’ Joint Case Management Statement and after discussion with counsel,
23 the Court finds and orders as follows:

24 IT IS HEREBY ORDERED that

25 1. Plaintiff is granted leave to file the proposed amended complaint attached
26 as Exhibit A to the parties’ Supplemental Joint Case Management Statement, and must file and
27 serve her amended complaint within 10 days of the date of this order. Defendant will then have
28 15 days after the date of service of the complaint to file a responsive pleading.

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2. Defendant is allowed an additional ten special interrogatories to address the new claims asserted in Plaintiff's proposed amended complaint, for a total of 35 interrogatories.

3. Any affirmative defense of res judicata and/or collateral estoppel asserted by Defendant in response to Plaintiff's amended complaint will apply to all the claims asserted in Plaintiff's original complaint, not just the new claims asserted in Plaintiff's proposed amended complaint.

4. Because this order addresses all the issues raised in the parties' pending motions to amend, those motions are taken off calendar.

5. A further case management conference is scheduled for July 31, 2009 at 3:30 p.m. The parties are to submit a joint case management statement one week before the conference.

IT IS SO ORDERED.

Dated: _____



The Honorable Susan Illston
United States District Court Judge