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11 Attorneys for Plaintiff
12 FRANK MAHAR

13
14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 FRANK MAHAR,

17 Plaintiff,

18 vs.

19 BNSF RAILWAY CORP., a corporation; and
20 DOES 1-30,

21 Defendants.
22

) Case No. C 09-00357 CRB
)
)

) **STIPULATION TO CONTINUE**
) **INITIAL CASE MANAGEMENT**
) **CONFERENCE**

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24 COME NOW plaintiff FRANK MAHAR and defendant BNSF RAILWAY
25 CORPORATION who hereby enter into the following stipulation:

26 IT IS HEREBY STIPULATED THAT:

27 1. The Initial Case Management Conference is set for May 8, 2009. The parties hereby
28 stipulate to continue the Initial Case Management Conference to June 26, 2009.

1 2. Good cause exists for entering into this Stipulation, because John Furstenthal,
2 attorney for plaintiff Mahar, is engaged in back-to-back trials: *Weaver vs. BNSF*, Contra Costa
3 County Superior Court, Case No. MSC07-00524, Department 7, before The Honorable Barry
4 Baskin. The *Weaver* trial commenced on Monday, April 27, 2009 and is expected to continue
5 through May 13, 2009. Plaintiff's counsel's other trial is scheduled to commence on May 6, 2009,
6 *Brian Williams vs. Union Pacific Railroad, et al.*, Los Angeles County Superior Court, Central
7 District, Case No. BC378409, Department 52, before The Honorable Susan Bryant-Deason. Judge
8 Bryant-Deason is aware of the *Weaver* trial and has ordered that plaintiff's co-counsel, Victor
9 Russo, start the *Williams* trial as schedule, with the understanding that plaintiff's counsel, John
10 Furstenthal, will join the *Williams's* trial at or around May 13th or 14th. The *Williams* trial is
11 anticipated to last through and including May 22, 2009. In addition, Thomas Cregger, attorney for
12 defendant BNSF is engaged in a trial in the Alameda County Superior Court, *Kimberly Williams v.*
13 *Union Pacific Railroad Co.*, Case No. RG06251955. This trial commenced on April 27, 2009, and
14 is anticipated to last for six weeks. Because of the extensive preparation required for these lengthy
15 trials, and the extended time away from counsel's respective offices to conduct these trials, counsel
16 have been unable to jointly prepare the Case Management Statement and to exchange their Rule 26
17 disclosures in order to be fully prepared for the Initial Case Management Conference as presently
18 set.

19 IT IS SO STIPULATED.
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1 Dated: May 1, 2009

RANDOLPH CREGGER & CHALFANT LLP

2
3 By: /s/ THOMAS A. CREGGER
4 THOMAS A. CREGGER
5 Attorneys for Defendant BNSF
6 RAILWAY CORPORATION

7 Dated: May 1, 2009

HILDEBRAND, McLEOD & NELSON, LLP

8
9 By: /s/ JOHN FURSTENTHAL
10 JOHN FURSTENTHAL
11 Attorneys for Plaintiff FRANK MAHAR

12 **ORDER**

13 After consideration the Stipulation by and between the parties, through their counsel
14 of record, **IT IS HEREBY ORDERED:**

15 1. That the May 8, 2009, Initial Case Management Conference is continued to
16 **Friday, June 26, 2009;** and

17 2. That the parties' last day to file Rule 26(f) Report, complete initial disclosures
18 or state objection in Rule 26(f) Report and file Joint Case Management Statement is **Friday,**
19 **June 19, 2009.**

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21 Dated: _____

