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8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 JULIO FLORES, et al.

Case No. 3:12:CV-686-MEJ

12 Plaintiffs,

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER TO CONTINUE INITIAL  
 PRE-TRIAL CONFERENCE AND  
 RELATED CASE MANAGEMENT  
 DATES**

13 v.

14 NATIONAL RAILROAD  
 15 PASSENGER CORP. dba  
 16 AMTRAK, et al.,

Trial Date: August 26, 2013  
 Time: 9:30 a.m.  
 Dept.: Courtroom B, 15<sup>th</sup> Flr.  
 Judge: Hon. Maria Elena James

Defendants.

17 Pursuant to the Court's July 26, 2012 Case Management Order, and  
 18 subsequent December 11, 2012 order, the initial Pre-Trial Conference is currently  
 19 calendared for July 25, 2013. Additionally, the following dates have been set by the  
 20 Court and are currently calendared: Trial Papers, as set forth in Section H(A)-(K) of  
 21 the July 26, 2012 Case Management Order, are to be filed by July 11, 2013;  
 22 Motions in Limine are to be filed by July 11, 2013, with oppositions due by July  
 23 18, 2013; and Trial Briefs, Voir Dire, proposed Jury Instructions, and proposed  
 24 Verdict Forms to be filed by July 26, 2013.

25 Further, the hearing on Defendants Amtrak and Union Pacific's Motion for  
 26 Summary Judgment was calendared for July 11, 2013, but was taken off calendar  
 27 by the Court, sua sponte, as a result of scheduled mediation between the parties.

1           Upon request by Plaintiffs and agreement by Defendants to the same,  
2 Plaintiffs and Defendants, National Railroad Passenger Corp. (“Amtrak”), Union  
3 Pacific, and Monterey County, (collectively “Defendants”) by and through their  
4 respective counsel, hereby stipulate and respectfully request to modify the Case  
5 Management Order. Good cause exists to continue the dates set forth above in  
6 order to allow the parties to mediate this matter. Mediation is scheduled to occur  
7 before mediator Charles Hawkins on July 25, 2013.

8           NOW, THEREFORE, subject to the Court’s approval, the parties, through  
9 their counsel of record, stipulate, agree, and respectfully request that the following  
10 modifications to the Case Management Order shall be made:

11           1. That the Initial Pre-Trial Conference be continued from July 25, 2013  
12 to August 8, 2013;

13           2. That the date for filing Trial Papers, as set forth in Section H(A)-(K) of  
14 the July 26, 2012 Case Management Order, be continued from July 11, 2013 to July  
15 18, 2013;

16           3. That the date for filing Motions in Limine be continued from July 11,  
17 2013 to July 26, 2013, and that the date for filing Oppositions to the same be  
18 continued from July 18, 2013 to August 2, 2013;

19           4. That the date for filing Trial Briefs, requested Voir Dire, proposed Jury  
20 Instructions, and proposed Verdict Forms, be continued from July 26, 2013 to  
21 August 2, 2013;

22           5. That the hearing on Defendants Amtrak and Union Pacific’s Motion  
23 for Summary Judgment be calendared for August 1, 2013.

24           6. That trial shall remain scheduled to commence on August 26, 2013.  
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Respectfully submitted,

**GREEN BRYANT & FRENCH, LLP**

Dated: July 1, 2013

          /s/ Joel R. Bryant  
Joel R. Bryant, Esq.  
Jbryant@gbflawyers.com  
Attorney for Plaintiffs

**CHARLES J. McKEE, COUNTY COUNSEL**

Dated: July 1, 2013

          /s/ Susan K. Blicht  
Susan K. Blicht (SBN 187761)  
Senior Deputy County Counsel  
Attorney for Defendant, County of Monterey

**LOMBARDI LOPER & CONANT**

Dated: July 1, 2013

          /s/ Vincent Castillo  
Vincent Castillo  
vcastillo@llcllp.com  
Attorney for Defendants, Union Pacific Railroad  
National Railroad Passenger Corporation

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**ORDER**

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING  
THEREFORE, IT IS ORDERED THAT:

1. That the Initial Pre-Trial Conference be continued from July 25, 2013 to August 8, 2013;
2. That the date for filing Trial Papers, as set forth in Section H(A)-(K) of the July 26, 2012 Case Management Order, be continued from July 11, 2013 to July 18, 2013;
3. That the date for filing Motions in Limine be continued from July 11, 2013 to July 26, 2013, and that the date for filing Oppositions to the same be continued from July 18, 2013 to August 2, 2013;
4. That the date for filing Trial Briefs, requested Voir Dire, proposed Jury Instructions, and proposed Verdict Forms, be continued from July 26, 2013 to August 2, 2013;
5. That the hearing on Defendants Amtrak and Union Pacific's Motion for Summary Judgment be calendared for August 1, 2013.
6. That trial shall remain scheduled to commence on August 26, 2013.

Dated: July 8, 2013




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Hon. Maria Elena James

All dates are VACATED. A joint status report shall be filed 2 weeks after the completion of mediation. If the case settles in mediation the parties shall advise the Court immediately.  
IT IS SO ORDERED.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was electronically sent via the Court's electronic case filing system on July 1, 2013 to counsel for Defendants.

**GREEN BRYANT & FRENCH, LLP**

Dated: July 1, 2013

          /s/ Joel R. Bryant  
Joel R. Bryant, Esq.  
Jbryant@gbflawyers.com  
Attorney for Plaintiffs