

LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

1 B. CLYDE HUTCHINSON, State Bar No. 037526
bch@llcplp.com
2 KARA A. ABELSON, State Bar No. 279320
kabelson@llcplp.com
3 LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
4 1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541
5 Telephone: (510) 433-2600
Facsimile: (510) 433-2699

6 Attorneys for Defendant
7 NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

13 NANCY PRENTICE and COLIN
HAUGHIN,
14
15 Plaintiffs,
16
17 v.
18 NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK, a
District of Columbia corporation,
19
20 Defendant.

Case No. C12-05856 MEJ

ASSIGNED FOR ALL PURPOSES TO
HONORABLE MARIA-ELENA JAMES

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DEADLINES TO
COMPLETE MEDIATION AND
DISCOVERY, AND TO GRANT
PLAINTIFFS' LEAVE TO FILE A FIRST
AMENDED COMPLAINT**

21 The parties by and through their attorneys of record hereby stipulate to the following:

- 22 1) That the deadline to complete mediation currently set for May 24, 2013 be
23 continued to **June 24, 2013**. The parties have scheduled mediation with court-appointed mediator
24 William Simmons for June 21, 2013 at 10:00 a.m. The parties agree that due to scheduling
25 conflicts, June 21, 2013 was the earliest mutually-available date that both Defendant and the
26 mediator were available to conduct mediation. Thus, a continuance of the mediation deadline is
27 necessary to allow the parties to conduct mediation on June 21, 2013;
28 2) That the deadline to complete all discovery, including expert discovery be

1 continued from July 9, 2013 to **August 8, 2013** to allow the parties sufficient time after mediation
2 to conduct further discovery if the mediation is unsuccessful. Although the parties are hopeful
3 this matter can be resolved through settlement at mediation, the parties are mindful that if the
4 matter is not resolved, additional time may be required to complete expert discovery and possibly
5 further non-expert discovery after mediation. ;

6 3) That plaintiffs may file a first amended complaint (“FAC”) in this action.
7 Plaintiffs FAC must be filed and served within ten (10) days of the Court's order granting the
8 Stipulation. Defendant's responsive pleading to the FAC must be filed and served within twenty
9 (20) days after service of the FAC; and

10 4) That Defendants be allowed to conduct an expedited IME of Plaintiffs with 15
11 days written notice provided that Plaintiffs be provided with a copy of any report or any other
12 documents including, but not limited to, informal notes, generated by the doctor who conducts the
13 IME prior to mediation on June 21, 2013.

14 Dated: May 16, 2013

MAJORS & FOX, LLP

15 By: /s/ Jonathan L. Gerber
16 JONATHAN L. GERBER
17 Attorneys for Plaintiffs

18 Dated: May 16, 2013

LOMBARDI, LOPER & CONANT, LLP

19 By: /s/ Kara A. Abelson
20 KARA A. ABELSON
21 Attorneys for Defendant

22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

WHEREAS, good cause exists for the relief requested herein, the Court hereby makes the foregoing Stipulation the Order of this Court.

IT IS SO ORDERED:

Dated: May 16, 2013



Honorable Maria-Elena James
Chief United States Magistrate Judge