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11 Attorneys for Plaintiffs Nancy Prentice and Colin Haughin

12  
 13 UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 NANCY PRENTICE and COLIN HAUGHIN,

17 Plaintiffs,

18  
 19 v.

20 NATIONAL RAILROAD PASSENGER  
 21 CORPORATION dba AMTRAK, a District of  
 Columbia corporation,

22 Defendant.  
 23

Case No. 3:12-cv-05856-MEJ

STIPULATION AND ~~PROPOSED~~  
 ORDER RE DEFENDANT NATIONAL  
 RAILROAD PASSENGER  
 CORPORATION'S MOTION TO DISMISS  
 PLAINTIFFS' FIRST AMENDED  
 COMPLAINT AND PLAINTIFFS NANCY  
 PRENTICE'S AND COLIN HAUGHIN'S  
 SECOND AMENDED COMPLAINT

Date: August 1, 2013  
 Time: 10:00 a.m.  
 Courtroom: B, 15<sup>th</sup> Floor  
 Judge: Hon. Maria-Elena James

Date Filed: November 15, 2012

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 25  
 26 WHEREAS, Plaintiffs Nancy Prentice and Colin Haughin (together, "Plaintiffs") filed  
 27 a first amended complaint on May 28, 2013, alleging facts that they believe support claims  
 28 for gross negligence and punitive damages; and

1 WHEREAS, Defendant National Railroad Passenger Corporation ("AMTRAK") filed  
2 a Motion to Dismiss Plaintiffs' First Amended Complaint (the "Motion to Dismiss") on  
3 June 25, 2013 challenging the sufficiency of those allegations; and

4 WHEREAS, Plaintiffs believe that some of the arguments raised in that Motion to  
5 Dismiss have merit and are more efficiently addressed by a further amendment to the  
6 complaint and on that basis are willing to not oppose the Motion to Dismiss;

7 WHEREAS; Plaintiffs also only recently learned that AMTRAK is not the owner of  
8 the infrastructure on which the accident giving rise to this complaint occurred and believe  
9 that the owner, Union Pacific Railroad Company ("Union Pacific"), should be a party to this  
10 action; and

11 WHEREAS, Defendants agree that a non-opposition to the Motion to Dismiss and a  
12 stipulation to allow the filing of a second amended complaint to address issues raised by  
13 the Motion to Dismiss and to name Union Pacific as a party to this action would be more  
14 efficient for the parties and the Court;

15 NOW, THEREFORE, the parties hereby stipulate:

- 16 1. Plaintiffs will not file an opposition to the pending Motion to Dismiss;
- 17 2. The Motion to Dismiss will be taken off calendar;
- 18 3. Plaintiffs will file their second amended complaint in the form attached  
19 hereto;
- 20 4. Defendant shall have 15 days from the entry of this Order to respond to the  
21 second amended complaint. That response will be due on August 1, 2013.

22  
23 DATED: July 16, 2013

MAJORS & FOX LLP

ATTORNEYS AGAINST ABUSE OF ELDERS

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26 By: /s/Lawrence J. Salisbury  
Lawrence J. Salisbury

27 Attorneys for Plaintiffs Nancy Prentice and  
28 Colin Haughin

