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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

17 PANTHERA RAIL CAR LLC,  
 18 Plaintiff,

19 vs.

20 KASGRO RAIL CORPORATION, a Pennsylvania  
 21 corporation, KASGRO LEASING, LLC, KR  
 22 LOGISTICS, LLC, and KASGRO RAIL CAR  
 23 MANAGEMENT,  
 24 Defendants.

Case No.: CV 12-06458 SI

**STIPULATION AND [PROPOSED] ORDER  
 TO CONTINUE APRIL 19, 2013, HEARING  
 ON DEFENDANTS’ MOTIONS TO  
 DISMISS OR TRANSFER ACTION AND  
 TO CONTINUE MAY 2, 2013, INITIAL  
 CASE MANAGEMENT CONFERENCE**

Complaint Filed: December 20, 2012

**STIPULATION**

1 WHEREAS the Amended Complaint in this action, entitled *Panthera Rail Car LLC v. Kasgro*  
2 *Rail Corporation, et al.* (N.D. Cal. Civil Case No. CV 12-06458 SI), was filed on February 15, 2013;

3 WHEREAS all Defendants filed motions to dismiss or transfer this action and the Court  
4 recently set those motions for hearing on April 19, 2013;

5 WHEREAS the subject motions are fully briefed and pending;

6 WHEREAS Deborah Thaxter, counsel for Plaintiff Panthera Rail Car LLC, will be on a  
7 prescheduled vacation and unavailable on April 19, 2013;

8 WHEREAS the parties, having met and conferred regarding their availability for a  
9 rescheduled hearing on the Court’s regular motion calendar, have been unable to find a mutually  
10 agreeable date in May on which the Court is also available;

11 WHEREAS the parties are available for a hearing on May 13, 2013, or May 14, 2013, in the  
12 alternative, seek the Court’s leave to have the motions to dismiss or transfer heard on one of these  
13 days, and have been informed by the Court that the hearing can be set for May 14, 2013 at 4:00 p.m.;

14 WHEREAS the Initial Case Management Conference (“CMC”) in this action is presently set  
15 for May 2, 2013 at 2:30 p.m. in Courtroom 10;

16 WHEREAS the parties desire to have Defendants’ motions to dismiss or transfer heard and  
17 decided prior to the Initial CMC in this action; and

18 WHEREAS the parties, having met and conferred regarding their availability for an Initial  
19 CMC in June, have agreed to a brief continuance of the Initial CMC until June 28, 2013;

20 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff Panthera Rail Car  
21 LLC, on the one hand, and Defendants Kasgro Rail Corporation, Kasgro Leasing, LLC, KR  
22 Logistics, LLC, and Kasgro Rail Car Management, on the other hand, as follows:

23 1. The parties seek the Court’s leave to have the hearing on Defendants’ pending motions  
24 to dismiss or transfer filed in the above captioned matter continued until May 14, 2013, at 4:00 p.m.  
25 in Courtroom 10, or such other time on May 14, 2013, as is convenient to the Court.

26 2. The Initial CMC in the above-captioned matter shall be continued until June 28, 2013,  
27 at 2:30 p.m. in Courtroom 10.  
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**IT IS SO STIPULATED.**

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3 Dated: April 9, 2013

NIXON PEABODY LLP

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5 By: /s/ Marcie Keenan Farano  
6 MARCIE KEENAN FARANO  
7 Attorneys for Plaintiff Panthera Railcar LLC

8 Dated: April 9, 2013

QUARLES & BRADY LLP

9  
10 By: /s/ John C. Schaak  
11 STEVEN J. BERRYMAN  
12 JOHN C. SCHAAK  
13 JAMES E. GOLDSCHMIDT  
Attorneys for Defendants Kasgro Rail  
Corporation, Kasgro Leasing, LLC, and Kasgro  
Rail Car Management

14 Dated: April 9, 2013

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

15  
16  
17 By: /s/ Steven B. Sacks  
18 STEVEN B. SACKS  
19 Attorneys for Defendants Kasgro Rail  
Corporation, Kasgro Leasing, LLC, and Kasgro  
Rail Car Management

20 Dated: April 9, 2013

21 STEYER LOWENTHAL BOODROOKAS ALVAREZ  
& SMITH LLP

22  
23 By: /s/ Jeffrey H. Lowenthal  
24 JEFFREY H. LOWENTHAL  
25 GABRIEL D. ZELDIN  
26 Attorneys for Defendant KR Logistics, LLC

1 Dated: April 9, 2013

ROSE & deJONG S.C.

2  
3 By: /s/ Lora L. LoCoco

4 DOUGLAS W. ROSE

LORA L. LOCOCO

5 Attorneys for Defendants KR Logistics, LLC

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7 **ATTESTATION CLAUSE**

8 Pursuant to Northern District of California Local Rule 5-1(i)(3), I hereby attest that I have  
9 obtained from each of the other signatories to this document—indicated above by a “conformed” (/s/)  
10 signature—their concurrence to the e-filing of this document in its present form, which shall serve in  
11 lieu of their respective signatures on this document.

12 Dated: April 9, 2013

NIXON PEABODY LLP

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15 By: /s/ Marcie Keenan Farano

16 MARCIE KEENAN FARANO

17 Attorneys for Plaintiff Panthera Railcar LLC  
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**[PROPOSED] ORDER**

Pursuant to the Stipulation of the parties as set forth above, and for good cause showing, the Court orders as follows:

1. The hearing on the pending motions to dismiss or transfer filed by all defendants in the above-captioned matter shall be continued until May 14, 2013, at 4:00 p.m. in Courtroom 10.
2. The Initial CMC in the above-captioned matter shall be continued until June 28, 2013, at 2:30 p.m. in Courtroom 10.

**IT IS SO ORDERED.**

Dated: April 15 2013



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HON. SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE