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Attorneys for Defendants

UNION PACIFIC RAILROAD COMPANY and

NATIONAL RAILROAD PASSENGER

CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY CARTER, Individually, as
 Successor in Interest of Decedent GARY P.
 CARTER, and as Personal Representative
 of the ESTATE OF GARY P. CARTER,
 GRANT CARTER, a minor, by and
 through his Guardian ad Litem,
 KIMBERLY CARTER,

Plaintiffs,

v.

NATIONAL RAILROAD PASSENGER
 CORPORATION, Individually and dba
 AMTRAK, UNION PACIFIC
 RAILROAD COMPANY, STATE OF
 CALIFORNIA (DEPARTMENT OF
 TRANSPORTATION), CITY OF
 NEWARK, OHLONE COMMUNITY
 COLLEGE DISTRICT, CITY OF
 FREMONT, COUNTY OF ALAMEDA,
 EAST BAY DISCHARGERS
 AUTHORITY and DOES 1 through 200,
 inclusive,

Defendants.

Case No. C 13-00809 JCS

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND DEADLINE FOR
 EXPERT DISCLOSURES**

Action Filed: November 29, 2012

Trial Date: October 20, 2014

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STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR EXPERT DISCLOSURES

STIPULATION

WHEREAS, the court, following recommendation by the parties, scheduled these important dates by way of its July 8, 2013 Case Management and Pre-Trial Order (Jury): (1) deadline for initial expert disclosure on March 14, 2014; and (2) completion of non-expert discovery by May 23, 2014; and

WHEREAS, the parties, who have been working diligently on the preparation of their respective cases, are still in the process of conducting and have not yet completed essential discovery, including without limitation document production, depositions, and inspections of defendants' land and equipment; and

WHEREAS, the foregoing discovery, which will continue through and after March 14, 2014, may lead to the need for additional discovery; and

WHEREAS, the parties, who believe it is necessary and proper to conduct and complete all outstanding discovery prior to disclosing experts in accordance with the Federal Rules of Civil Procedure, hereby submit that good cause exists for an extension of the current expert disclosure date from March 14, 2014 to **May 23, 2014**, so as to coincide with the current completion date for non-expert discovery; and

WHEREAS, the parties' requested extension of the deadline for initial expert disclosure will not affect other important dates, including the trial and pre-trial conference dates, completion of expert and non-expert discovery dates, and the dispositive motion hearing date.

NOW, THEREFORE, AND IN CONSIDERATION OF THE FOREGOING, the parties, through their respective counsel, hereby stipulate as follows:

1. The deadline to serve initial expert witness disclosures and expert reports in compliance with the Federal Rules of Civil Procedure shall be extended from March 14, 2014 to **May 23, 2014**.

2. The deadline to serve all rebuttal expert witness disclosures and expert reports in compliance with the Federal Rules of Civil Procedure shall be extended from April 11, 2014, to **June 20, 2014**.

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3. No other dates currently on calendar, including the trial and pre-trial conference dates, completion of expert and non-expert discovery dates, and the dispositive motion hearing date shall be affected by this stipulation.

4. This stipulation may be executed in counterparts.

Dated: February 26, 2014

LOMBARDI, LOPER & CONANT, LLP

By: /s/ Scott O. LaFranchi
SCOTT O. LaFRANCHI
Attorney for Defendants, UNION
PACIFIC RAILROAD COMPANY and
NATIONAL RAILROAD PASSENGER
CORPORATION

Dated: February 26, 2014

MARY ALEXANDER & ASSOCIATES, P.C.

By: /s/ Jennifer Fiore
JENNIFER FIORE
Attorney for Plaintiffs, KIMBERLY
CARTER and GRANT CARTER

ORDER

WHEREAS, good cause exists for the relief requested herein, the court hereby makes the foregoing stipulation the order of the court.

IT IS SO ORDERED.

Dated: 2/27/14

JUDGE FOR THE UNITED STATES
DISTRICT COURT, NORTHERN DISTRICT
OF CALIFORNIA

By: Judge Joseph C. Spero
THE HONORABLE JUDGE JOSEPH C. SPERO