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8 Attorneys for Defendant UNION PACIFIC  
RAILROAD COMPANY

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

12 CHARLES HENLEY,  
13 Plaintiff,  
14 v.  
15 UNION PACIFIC RAILROAD  
COMPANY, a corporation,  
16 Defendant.

Case No. 3:16-cv-03767-RS

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO MODIFY CASE MANAGEMENT  
SCHEDULING ORDER**

Complaint Filed: July 5, 2016  
Trial Date: February 15, 2018

19  
20 Plaintiff Charles Henley and defendant Union Pacific Railroad Company submit the  
21 following stipulation to modify the Court’s Case Management Scheduling Order (Dkt. 24).

22 **RECITALS**

23 On October 27, 2017, the Court issued a Case Management Scheduling Order with respect  
24 to all relevant pre-trial and trial dates. With regard to a settlement conference, the Court referred  
25 the parties to Judge Westmore, per the parties’ request, “for the purposes of engaging in a  
26 settlement conference to take place, ideally, within the next 120 days.” (Dkt. 24, 1:17-19.)

27 On November 19, 2016, following a pre-settlement telephone conference between the  
28 parties and Judge Westmore, the Court scheduled the settlement conference for February 8, 2017.

1 (Dkt. 28.)

2 The parties have conferred and agree that the settlement conference, as currently  
3 scheduled, is premature for the following reasons. The parties wish to complete additional  
4 discovery, including plaintiff's deposition, which is tentatively scheduled to take place on  
5 February 16, 2017, prior to the settlement conference. Counsel for both parties have spent  
6 significant time recently in trial, and preparing for trial, in other matters. The parties believe that  
7 the additional time to complete essential discovery will permit the parties to engage in a more  
8 meaningful dialogue at the conference.

9 Subject to the Court's approval and availability, the parties are currently contemplating  
10 that a continued settlement conference will take place the third week of March (March 20-24) or  
11 the second week of April (April 10-14). These changes will not affect the trial date or any other  
12 pretrial deadlines. The parties have not previously requested a modification of the Case  
13 Management Scheduling Order.

14 For the Court's reference, on January 17, 2017, the parties submitted to Judge Westmore a  
15 request to continue the settlement conference, but were told to first request the continuance from  
16 Judge Seeborg's department due to the Scheduling Order's mandate that the settlement  
17 conference occur within 120 days of October 27, 2017.

18 **STIPULATION**

19 NOW, THEREFORE, AND IN CONSIDERATION OF THE FOREGOING,

20 The parties, through their respective counsel, hereby request the following modifications  
21 to the Case Management Scheduling Order:

22 With respect to Alternative Dispute Resolution (Paragraph 1), the parties request that the  
23 deadline to engage in a settlement conference with Judge Westmore be extended to May 26,  
24 2017.<sup>1</sup>

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28 <sup>1</sup> The extra time is requested in an abundance of caution because the parties do not know Judge Westmore's availability.

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Dated: January 23, 2017

LOMBARDI, LOPER & CONANT, LLP

By: /s/ Alexei N. Offill-Klein

VINCENT CASTILLO  
MARIA M. LAMPASONA  
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UNION PACIFIC RAILROAD  
COMPANY

Dated: January 23, 2017

HILDEBRAND MCLEOD & NELSON, LLP

By: /s/ Paula Rasmussen

PAULA RASMUSSEN  
ANTHONY PETRU  
EDDY MACLEOD  
Attorneys for Plaintiff  
CHARLES HENLEY

**ORDER**

IT IS SO ORDERED.

DATED: 1/23/17

  
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HONORABLE RICHARD SEEBORG