

1 BENJAMIN J. HORWICH (State Bar No. 249090)  
 ben.horwich@mto.com  
 2 JOHN F. MULLER (State Bar No. 300839)  
 john.muller@mto.com  
 3 DAVID J. FEDER (State Bar No. 302112)  
 david.feder@mto.com  
 4 MUNGER, TOLLES & OLSON LLP  
 560 Mission Street  
 5 Twenty-Seventh Floor  
 San Francisco, California 94105  
 6 Telephone: (415) 512-4000  
 Facsimile: (415) 512-4077  
 7 Attorneys for Plaintiff BNSF Railway Company

8 RAYMOND A. ATKINS (admitted *pro hac vice*)  
 ratkins@sidley.com  
 9 REBECCA K. WOOD (admitted *pro hac vice*)  
 rwood@sidley.com  
 10 HANNA M. CHOUEST (admitted *pro hac vice*)  
 hchouest@sidley.com  
 11 TOBIAS S. LOSS-EATON (admitted *pro hac vice*)  
 tlosseaton@sidley.com  
 12 SIDLEY AUSTIN LLP  
 1501 K Street, NW  
 13 Washington, D.C. 20005  
 Telephone: (202) 736-8000  
 14 Facsimile: (202) 736-8711  
 Attorneys for Plaintiff Union Pacific Railroad Company

15 (additional counsel listed on signature page)

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 BNSF RAILWAY COMPANY and UNION  
 PACIFIC RAILROAD COMPANY,

20 Plaintiffs,

21 vs.

22 CALIFORNIA STATE BOARD OF  
 23 EQUALIZATION, et al.,

24 Defendants.

Case No. 3:16-cv-04311-RS

~~PROPOSED~~ ORDER REGARDING  
 BRIEFING AND HEARING ON  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION, AND  
 RELATED MATTERS

Judge: Hon. Richard Seeborg  
 Place: Courtroom 3, 450 Golden Gate Ave.,  
 San Francisco, California

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

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties, good cause having been shown, IT IS HEREBY ORDERED that:

1. The following briefing and hearing schedule shall apply to Plaintiffs' Motion for a Preliminary Injunction:

- Deadline for Defendants' Opposition: September 13, 2016
- Deadline for Plaintiffs' Reply: September 20, 2016
- Hearing on motion for preliminary injunction: October 13, 2016 at 1:30 pm

2. No notice the Board of Equalization may send pursuant to Cal. Code Regs. tit. 19, § 2704(a), *see also* Cal. Gov't Code § 8574.32(b)(1), shall direct railroads operating in California to collect the SB 84 charge earlier than November 13, 2016.

3. Defendants' obligation to answer or otherwise respond to the Complaint is stayed until 40 days after the Court's decision on Plaintiffs' Motion for a Preliminary Injunction.

4. All discovery-related obligations and disclosures under Fed. R. Civ. P. 26 are stayed until further order of this Court.

DATED: 8/18/16

By:   
\_\_\_\_\_  
Hon. Richard Seeborg

UNITED STATES DISTRICT JUDGE