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6 Attorneys for Plaintiff
 MARK K. SCHULTHIES
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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
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13 MARK K. SCHULTHIES,)
 14 Plaintiff,)
 15 v.)
 16 NATIONAL PASSENGER RAILROAD)
 17 CORPORATION dba AMTRAK, JOSEPH)
 18 W. DEELY, STEVEN SHELTON, and)
 DOES 1 through 15, inclusive,)
 19 Defendants.)
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NO. C08-5538 CW

**STIPULATION AND ~~PROPOSED~~
 ORDER TO ALLOW PLAINTIFF TO
 FILE SECOND AMENDED
 COMPLAINT**

21 The parties, by and through their respective counsel of record, stipulate that
 22 Plaintiff MARK K. SCHULTHIES may file a Second Amended Complaint on or before September 21,
 23 2009. Defendants will have three (3) weeks after the filing of the Second Amended Complaint, up to
 24 and including October 12, 2009, to answer or otherwise respond to said complaint. Good cause exists
 25 for said stipulation because counsel for the parties agree that certain proposed revisions to the First
 26 Amended Complaint filed on August 31, 2009 (Doc. 31) by MR. SCHULTHIES may obviate the need
 27 for a subsequent Motion to Dismiss by Defendants or for further amendments if a motion to dismiss is
 28 granted.

1 Dated: September 9, 2009

PRICE AND ASSOCIATES

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1st Pamela Y. Price

PAMELA Y. PRICE Attorneys for Plaintiff
MARK K. SCHULTHIES

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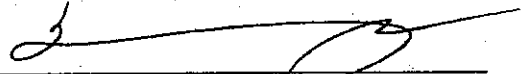
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6 Dated: September 9, 2009

JACKSON LEWIS LLP

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DYLAN CARP, Attorneys for Defendant
NATIONAL PASSENGER RAILROAD
CORPORATION dba AMTRAK, and
JOE DEELY

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ORDER

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Pursuant to the foregoing stipulation of the parties and good cause appearing therefore,

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IT IS HEREBY ORDERED that Plaintiff MARK K. SCHULTHIES may file a Second Amended

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Complaint on or before September 21, 2009. Defendants will have three (3) weeks after the filing of

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the Second Amended Complaint, up to and including October 12, 2009, to answer or otherwise respond

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to said complaint.

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20 Dated: 9/14/09

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