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6 NATIONAL PASSENGER RAILROAD  
CORPORATION, et al.

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

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11 MARK K. SCHULTHIES,

12 Plaintiff,

13 v.

14 NATIONAL PASSENGER RAILROAD  
CORPORATION dba AMTRAK, JOSEPH W.  
15 DEELY, STEVEN SHELTON, and DOES 1  
through 15 inclusive

16 Defendants.  
17

Case No. C08-05538-CW

**STIPULATED REQUEST FOR ORDER  
CONTINUING HEARING AND  
BRIEFING ON DEFENDANTS'  
MOTION TO DISMISS; ORDER AS  
MODIFIED**

Complaint Filed: 12/10/08  
Trial Date: 12/06/10

18 The parties, having met and conferred by and through their respective counsel, hereby  
19 stipulate and request that the Court issue an Order to move the hearing date for Defendants'  
20 Motion to Dismiss from December 17, 2009 to January 7, 2010, to extend the deadline for  
21 Plaintiff's Opposition Brief to 21 days before the Hearing, and to extend the deadline for  
22 Defendants' Reply Brief to 14 days before the Hearing. Good cause exists because Plaintiffs'  
23 counsel has been ill for a number of days.

24 IT IS SO STIPULATED.  
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Dated: November 18, 2009

PRICE AND ASSOCIATES

By: s/Pamela Y. Price  
Pamela Y. Price  
Attorneys for Plaintiff  
MARK K. SCHULTHIES

Dated: November 18, 2009

JACKSON LEWIS LLP

By: s/Dylan B. Carp  
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S. Christine Young  
Attorneys for Defendants  
NATIONAL PASSENGER  
RAILROAD CORPORATION,  
JOSEPH DEELY, AND STEVEN  
SHELTON

**ORDER**

IT IS HEREBY ORDERED that the Hearing on Defendants' Motion to Dismiss is vacated. The deadline for Plaintiff's Opposition Brief is December 17, 2009, and the deadline for Defendants' Reply Brief December 24, 2009. The motion will be decided on the papers.

Dated: 11/25/09

  
Hon. Claudia Wilken  
U.S. District Court Judge