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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

TIM ELAM,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION,

Defendant.

Case No. 4:15-cv-05127-YGR

~~PROPOSED~~ JUDGMENT IN FAVOR OF
DEFENDANT

Date: December 9, 2016

Time: 9:01 a.m.

Courtroom: 1 – 4th Floor

Judge: Honorable Yvonne G. Rogers

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This Court, having considered the pleadings in this matter, all papers and authority submitted in support of and opposition to Defendant National Railroad Passenger Corporation’s (“Amtrak”) Notice of Motion and Motion for Summary Judgment, all papers and authority submitted in support of and opposition to Plaintiff Tim Elam’s Notice of Motion and Motion for Summary Judgment, the record before Public Law Board 7680 (the “Board”) when it issued Award No. 14 (the “Award”), and oral arguments from counsel at the hearing on the cross-motions for summary judgment held on October 11, 2016, and for good cause shown, this Court **GRANTS** Defendant’s motion for summary judgment and **DENIES** Plaintiff’s motion for

~~PROPOSED~~ JUDGMENT
Case No. 4:15-CV-05127-YGR


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summary judgment for the reasons set forth in its November 14, 2016 Order in Favor of Defendant's Cross Motion for Summary Judgment. For the reasons stated more fully in the Court's November 14, 2016 Order, Public Law Board 7680 did not exceed its jurisdiction (1) by refusing to award Plaintiff back pay; and/or (2) by failing to find that the March 12, 2013 disciplinary hearing against Plaintiff was untimely. No other grounds exist to vacate the Award.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT JUDGMENT IS HEREBY ENTERED in favor of Defendant National Railroad Passenger Corporation and against Plaintiff Tim Elam. The action of Plaintiff against Defendant is dismissed in its entirety with prejudice. Plaintiff shall take nothing as a result of his action and Defendant is entitled to recover its costs, according to law.

IT IS SO ORDERED.

Dated: November 28, 2016



Yvonne Gonzalez Rogers
United States District Court Judge