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<b>JAN 19 2011</b>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

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 9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF NEVADA

11  
 12 NATIONAL RAILROAD PASSENGER  
 CORPORATION,

13 Plaintiff,

14 v.

15 JOHN DAVIS TRUCKING COMPANY,  
 16 INC., a Nevada corporation,

17 Defendant.

18 JOHN DAVIS TRUCKING COMPANY,  
 19 INC., a Nevada Corporation,

20 Counterclaimant,

21 v.

22 NATIONAL RAILROAD PASSENGER  
 23 CORPORATION, UNION PACIFIC  
 RAILROAD COMPANY, and DOES 1-5,

24 Counter-Defendants.  
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Case No. 3:11-cv-00461 HDM VPC

**JOINT CASE MANAGEMENT  
 STATEMENT**

Date: January 20, 2012  
 Time: 9:00 a.m.  
 Ctrm: 1  
 Judge: The Honorable Valerie P. Cooke,  
 U.S. Magistrate Judge

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 Oakland, CA 94612 -3541

1 TO THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE:

2 COME NOW the parties who have appeared in this action and submit the following Joint  
3 Case Management Statement pursuant to the Minutes of the Court filed on November 8, 2011  
4 (Doc 60).

5 **CASE MANAGEMENT REPORT**

6 **Completion of Inspection and Commencement of Written Discovery**

7 The parties inspected the locomotives on January 5, 2012 in Chicago as planned. The  
8 parties will be engaging in written discovery in the next few weeks.

9 **Issues Pertaining to Locomotive Videos and Event Recorder Data**

10 John Davis Trucking raised the following two issues with counsel for National Railroad  
11 Passenger Corporation ("Amtrak") on January 17, 2012. However, because counsel for Amtrak  
12 is engaged in another case in Fresno, California, for the remainder of the week, the parties intend  
13 to further meet and confer on these issues on the week of January 23, 2012. The following two  
14 issues are as follows:

- 15 1. **Locomotive Videos:** John Davis Trucking Company seeks the "original" locomotive  
16 video images because it claims the encryption format in which they were produced to  
17 it makes meaningful analysis of the video impossible. According to John Davis  
18 Trucking, the encryption software takes over all operations on the computer to which  
19 the video disc is installed and any attempt to analyze the video images results in an  
20 error message and the cessation of the play. John Davis Trucking claims the video  
21 cannot be stopped and started frame by frame and that there is no manner in which to  
22 analyze the speed rate at which the images were recorded or are being played. It  
23 further claims the image quality of the videos is poor, particularly given the high  
24 resolution quality of the camera system on-board the locomotives. John Davis  
25 Trucking claims critical information about the position of the crossing gates is not  
26 visible. It believes these difficulties appear due to the encryption software into which  
27 Amtrak or its subcontractor placed the video images.

- 28 2. **Event Recorder Data:** John Davis Trucking Company also seeks the "original" event

recorder data because it believes the event recorder device on-board both locomotives are of a type and manufacture that renders them susceptible to manipulation

State Court Related Cases

With respect to state court cases, the parties have completed an Early Case Conference pursuant to Rule 16.1 of the Nevada Rules of Civil Procedure in the following cases:

- o *Lana Dickerson v. John Davis Trucking and National Railroad Passenger Corporation*, Second Judicial District of the State of Nevada, Case No. CV11-01969, and
- o *William Knox v. John Davis Trucking*, Second Judicial District of the State of Nevada, Case No.: CV11-01992.

In addition, National Railroad Passenger Corporation and John Davis Trucking Company have been served and will be appearing in the following cases:

- o *Evelyn Johnson v. John Davis Trucking and National Railroad Passenger Corporation*, Second Judicial District of the State of Nevada, Case No. CV11-02674, and
- o *Ronald Werckenthien v. John Davis Trucking and National Railroad Passenger Corporation*, Second Judicial District of the State of Nevada, Case No. CV11-02673.

Furthermore, John Davis Trucking has been served and will be appearing in:

- o *Kyung Ran You, Hyung Wong Park and Keun Park v. John Davis Trucking Company*, Second Judicial Distict of the State of Nevada, Case No. CV12-00089.

The parties have been in discussion with plaintiffs' counsels in these cases for the purpose of coordinating discovery efforts. It is expected that more cases will be filed and/or served in the next few months.

Request to Vacate Case Management Conference

The parties will continue to meet and confer on the issues discussed above. The parties stipulate to vacate the Case Management Conference scheduled for January 20, 2012 at 9:00 a.m. Should the parties not be able to resolve the issues above, the parties will file appropriate

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1 motions and ask the Court to schedule a briefing schedule and oral argument as necessary and  
2 convenient to the Court's schedule.

3  
4 DATED this 18th day of January, 2012.

5 LAW OFFICES OF MICHAEL B. SPRINGER, PC

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7 By: /s/ John D. Moore  
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15 CORPORATION *and Counterdefendant*  
16 *and Counterclaimant* UNION PACIFIC  
17 RAILROAD COMPANY

18 DATED this 18th day of January, 2012.

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DATED this 18th day of January, 2012.

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DATED this 18th day of January, 2012.

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**[PROPOSED] ORDER**

Per the parties Joint Case Management Statement, the Court hereby vacates the Case Management Conference scheduled for January 20, 2012 at 9:00 a.m. in Courtroom 1.

IT IS SO ORDERED.

DATED: January 19, 2012

By: Valerie P. Cooke  
THE HONORABLE VALERIE P. COOKE  
UNITED STATES MAGISTRATE JUDGE

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