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FILED
 ALAMEDA COUNTY

FEB 17 2021

CLERK OF THE SUPERIOR COURT
 By M. Williams
 Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF ALAMEDA

CITY OF ALAMEDA, a charter city and
 municipal corporation

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY, a
 Delaware corporation successor to Southern
 Pacific Company, a corporation, and Union
 Pacific Railroad Company, a Delaware
 corporation, successor to Central Pacific
 Railway Company, a corporation; PLANATAL
 COMPANY, a corporation; CALIFORNIA
 PACKING CORPORATION, a dissolved
 California corporation and DOES 1-50,

Defendants.

Case No: RG 18921261

*Assigned for all purposes to Hon. Dennis
 Hayashi, Dept. 518*

**STIPULATION TO VACATE TRIAL
 DATE AND SET STATUS
 CONFERENCE RE: SETTLEMENT;
 [PROPOSED] ORDER**

APN 074-0906-034 & 035;
 074-0906-031-3 & 6

Complaint Filed: September 19, 2018
 Trial Date: July 12, 2021

FILE BY FAX

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- 1 -

STIPULATION TO CONTINUE TRIAL AND [PROPOSED] ORDER

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FEB 17 2021

1 IT IS HEREBY STIPULATED by and between Plaintiff City of Alameda, a charter city
2 and municipal corporation, and Defendant Union Pacific Railroad Company, a Delaware
3 corporation (collectively referred to herein as the "Parties"), as follows:

4 **RECITALS**

5 WHEREAS, a jury trial in this eminent domain matter is currently scheduled to begin
6 July 12, 2021 in Department D-518; and

7 WHEREAS, pursuant to Code of Civil Procedure section 1258.210, et seq. the Parties are
8 currently required to exchange lists of expert witnesses and statements of valuation data 90 days
9 before the date of trial; and

10 WHEREAS, the Parties have previously sought and been granted one continuance of the
11 trial date; and

12 WHEREAS, the Parties have been engaged in negotiations for a comprehensive
13 settlement of this eminent domain proceeding and through those negotiations have reached an
14 agreement in principle on all material terms to resolve this case, subject only to a mutually
15 agreeable written settlement agreement; and

16 WHEREAS, the Parties need time to document the detailed terms of the settlement in a
17 written settlement agreement and related writings and instruments and seek formal approval of
18 their respective governing bodies or boards; and

19 WHEREAS, the Parties wish to avoid incurring further litigation expenses, including
20 expert witness fees and the cost of trial preparation; and

21 WHEREAS, the Parties agree that it would be appropriate and, with requisite good cause,
22 to vacate all current dates and schedule a status conference re: settlement in approximately 120
23 days. In the alternative, if the court is unwilling to vacate all dates, the parties request that the
24 court continue the date of exchange and trial date for a period of at least 120 days, to a date no
25 earlier than November 2021.

26 **STIPULATION**

27 THEREFORE, based on the foregoing, the Parties hereby stipulate and request that the
28 court vacate all current dates and schedule a status conference re: settlement in 120 days;

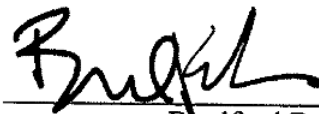
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1 alternatively, should the court be unwilling to vacate all dates, the parties request that the trial--
2 date be continued to a date no earlier than November 2021, and that the date of exchange, as
3 defined in Code of Civil Procedure section 1258.220, be continued to a date 90 days before the
4 continued trial date.

5
6 IT IS SO STIPULATED.


7 Dated: February 16, 2021

NOSSAMAN LLP
BRADFORD B. KUHN

9
10 By: 
Bradford B. Kuhn
11 Attorneys for Plaintiff
City of Alameda
12

13 Dated: February 15, 2021

WOLF WALLENSTEIN, PC

14
15 
16 By: _____
Michael H. Wallenstein
17 Attorneys for Plaintiff
City of Alameda
18

19 **[PROPOSED] ORDER**

20 Based upon the foregoing stipulation of the Parties and good cause appearing therefore,
21 IT IS HEREBY ORDERED as follows:

- 22 1. All dates currently on calendar, including the trial and related dates, are hereby
23 vacated; and
24 2. A status conference re: settlement is scheduled for _____, 2021.

25 IT IS SO ORDERED.

26 Dated:

27 _____
Judge of the Superior Court
28

PROOF OF SERVICE

The undersigned declares:

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action; my business address is c/o Nossaman LLP, 18101 Von Karman Avenue, Suite 1800, Irvine, CA 92612.

On February 16, 2021, I served the foregoing **STIPULATION TO VACATE TRIAL DATE AND SET STATUS CONFERENCE RE: SETTLEMENT; [PROPOSED] ORDER** on parties to the within action as follows:

☒ (By U.S. Mail) On the same date, at my said place of business, a true copy thereof enclosed in a sealed envelope, addressed as shown on the attached service list was placed for collection and mailing following the usual business practice of my said employer. I am readily familiar with my said employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service, and, pursuant to that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid, on the same date at Irvine, California.

☐ (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P. 1013(e), to the number(s) listed on the attached sheet. Said transmission was reported complete and without error. A transmission report was properly issued by the transmitting facsimile machine, which report states the time and date of sending and the telephone number of the sending facsimile machine. A copy of that transmission report is attached hereto.

☐ (By Overnight Service) I served a true and correct copy by overnight delivery service for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.

☐ (By Electronic Service) By emailing true and correct copies to the persons at the electronic notification address(es) shown on the accompanying service list. The document(s) was/were served electronically and the transmission was reported as complete and without error.

Executed on February 16, 2021.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ Mayra Mangandi
Mayra Mangandi

SERVICE LIST

City of Alameda VS Union Pacific Railroad Company, et al.
County of Alameda Superior Court: RG18921261

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***UNION PACIFIC RAILROAD
COMPANY, a Delaware corporation
successor to Southern Pacific Company, a
corporation, and Union Pacific Railroad
Company, a Delaware corporation,
successor to Central Pacific Railway
Company, a corporation***