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TEXAS EASTERN OVERSEAS, INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

AMERIPRIDE SERVICES INC., Plaintiffs, vs. VALLEY INDUSTRIAL SERVICES, INC., a former California corporation, et al., Defendants.	Case No. 2:00-cv-00113-MCE-EFB **DEFENDANT TEXAS EASTERN OVERSEAS, INC.'S REQUEST AND ORDER TO WITHDRAW ITS MOTIONS FILED AS ECF DOCKET NUMBERS 1019 AND 1020 WITHOUT PREJUDICE AND TO VACATE THE HEARING DATE OF APRIL 21, 2016 AS TO THESE MOTIONS ONLY** Date: April 21, 2016 Time: 2:00 p.m. Courtroom: 7 Judge: Hon. Morrison C. England, Jr. Trial Date: October 17, 2016

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AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Defendant TEXAS EASTERN OVERSEAS, INC. ("TEO"), by and through its respective counsel, respectfully submits this request to withdraw the following two motions without prejudice and to vacate the related hearing date of April 21, 2016, related to the following two motions only:

(1) TEO's Motion to Exclude the Portion of Mark A. Bryant's November 30, 2015 Expert Report and Related Trial Testimony That Contradicts AmeriPride's Admission To TEO's Request for Admission (ECF Docket No. 1019); and

(2) TEO's Motion for Sanctions Pursuant to FRCP 26(g)(3) and the Court's Inherent Powers and For Judicial Estoppel Regarding AmeriPride's Second Supplemental Responses to Chromalloy's Discovery (ECF Docket No. 1020).

Good cause exists to grant TEO's request to withdraw these motions without prejudice. TEO and Plaintiff AMERIPRIDE SERVICES, INC. ("AmeriPride") have both filed Motions for Summary Judgment, which are also scheduled to be heard on April 21, 2016. This request in no way affects the Motions for Summary Judgment, which are also set to be heard April 21, 2016 at 2:00 p.m. This Court's resolution of issues raised on summary judgment, including the judicial estoppel and National Contingency Plan issues, may narrow or possibly moot TEO's Motion to Exclude (Dkt. 1019) and Motion for Sanctions (Dkt. 1020). For this reason, judicial economy will be enhanced by granting TEO's request to withdraw its motions without prejudice and vacating the April 21, 2016 hearing date for these motions only.

Date: April 13, 2016

BASSI, EDLIN, HUIE & BLUM LLP

By: */s/ Fred M. Blum*

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ORDER

The foregoing request is GRANTED. Defendant Texas Eastern Overseas, Inc.'s (1) Motion to Exclude the Portion of Mark A. Bryant's November 30, 2015 Expert Report and Related Trial Testimony That Contradicts AmeriPride's Admission To TEO's Request for Admission (ECF Docket No. 1019); and (2) Motion for Sanctions Pursuant to FRCP 26(g)(3) and the Court's Inherent Powers and For Judicial Estoppel Regarding AmeriPride's Second Supplemental Responses to Chromalloy's Discovery (ECF Docket No. 1020) are hereby withdrawn without prejudice. Further, the hearing date of April 21, 2016 is vacated for these two motions only.

IT IS SO ORDERED.

Dated: April 19, 2016

MORRISON C. ENGLAND, JR, CHIEF JUDGE
UNITED STATES DISTRICT COURT

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