

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

James Thornton, *et al.*,

Plaintiffs,

v.

National Railroad Passenger
Corporation ("AMTRAK"),

Defendant.

Civil Action No. 98CV0890 (EGS)

FILED

MAR 17 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

STIPULATION AND ORDER

The undersigned counsel for the Plaintiff Class and Plaintiff Pennsylvania Federation, BMW and Defendant National Railroad Passenger Corporation ("AMTRAK") have pursued the negotiation and mediation procedures for incorporation of injunctive provisions into the collective bargaining agreement pursuant to Section V of the Consent Decree. Despite good faith efforts and progress in their discussions, the parties have been unable to resolve their differences. The Consent Decree expired on July 31, 2004, except for the stipulated and ordered extension of Section V of the Consent Decree until July 31, 2005. Therefore, in order to facilitate the possibility of resolution between the parties of the incorporation issue, while deferring and minimizing the potential involvement of the Court, the parties hereby stipulate and agree as follows:

1. Section V of the Consent Decree will be extended further from July 31, 2005 until July 31, 2008.


2. The parties, by separate interim agreement, have established certain interim working conditions derived from the Consent Decree, which they will continue to apply until they resolve the issue of incorporation of injunctive provisions into the collective bargaining agreement pursuant to Section V of the Consent Decree. The parties have reached an agreement concerning a non-judicial dispute resolution procedure with respect to any disputes arising from the interim terms. The parties have agreed not to disclose those terms to the Court in order to preserve their respective positions before the Court under the procedures of Section V of the Consent Decree.

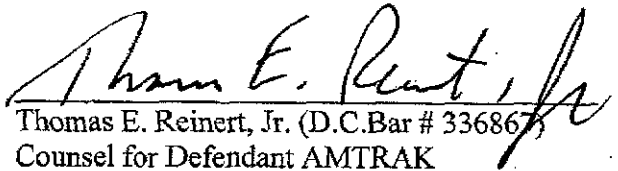
3. The parties agree to resume mediated negotiations concerning incorporation of injunctive provisions into the collective bargaining agreement no later than November 1, 2007, and to submit the issue for resolution to the Court, if necessary, not later than February 28, 2008, unless otherwise agreed by the parties.

4. This stipulation is entered without prejudice to the parties' rights pursuant to the provisions of the Consent Decree, which are expressly reserved.

Respectfully submitted,

Dated: February 15, 2005


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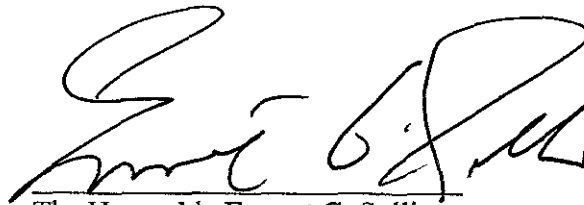


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SO ORDERED:

Dated:

3/15/05



The Honorable Emmet G. Sullivan
United States District Court Judge
United States District Court for the
District of Columbia

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