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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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BNSF Railway Co., )

No. 07-8068-PCT-PGR

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Plaintiff, )

vs. )

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Coconino Land and Cattle LLC )

**ORDER**

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Defendant. )

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Pending before the Court are the following motions: Coconino’s Motion for Partial Summary Judgment re Private Way of Necessity (Doc. 138), BNSF’s Motion for Sanctions (Doc. 202), BNSF’s Motion for Summary Judgment on Federal Statutory Issues or Motion for Referral to Surface Transportation Board (Doc. 209), BNSF’s Motion for Summary Judgment on Coconino’s Grant and Prescription Counterclaims (Doc. 211), BNSF’s Motion to Supplement the Record (Doc. 245), BNSF’s Motion for Judgment (Doc. 257), and Coconino’s Cross-Motion to Dismiss All Pending Claims (Doc. 261).

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The Court referred this matter to the Circuit Mediation Office of the Ninth Circuit Court of Appeals on June 13, 2011 (Docs. 264, 265), and subsequently vacated oral argument on all pending motions (Doc. 267).

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Accordingly,

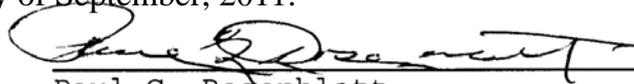
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IT IS HEREBY ORDERED denying the motions without prejudice. (Docs. 138, 202, 209, 211, 245, 257, and 261).

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DATED this 19<sup>th</sup> day of September, 2011.

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Paul G. Rosenblatt  
United States District Judge