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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

MARY G. LOPEZ, individually)
and as Successor-in-Interest)
on behalf of Decedent,)
SALVADOR V. LOPEZ, et al.,)

Plaintiffs,)

vs.)

BNSF RAILWAY COMPANY,)
et al.,)

Defendants.)

No. CV-F-07-1417 OWW/GSA

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANTS
STATE OF CALIFORNIA AND
CALIFORNIA DEPARTMENT OF
TRANSPORTATION'S MOTION TO
DISMISS ON THE GROUND OF
SOVEREIGN IMMUNITY (Doc. 47)

Plaintiffs have filed Statements of Non-Opposition to
Defendants State of California and California Department of
Transportation's motion to dismiss the Complaint for lack of
subject matter jurisdiction on the ground of sovereign immunity.

Accordingly:

1. The motion to dismiss filed by Defendants State of
California and California Department of Transportation is
GRANTED;

1 2. This action is DISMISSED FOR LACK OF SUBJECT MATTER
2 JURISDICTION based on sovereign immunity against Defendants State
3 of California and California Department of Transportation.

4 IT IS SO ORDERED.

5 Dated: January 8, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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