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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RANDY’S TRUCKING, INC., et al.,)	1:08cv0819 OWW DLB
)	
)	ORDER VACATING ORDER GRANTING
Plaintiffs,)	DEFENDANTS’ APPLICATION FOR
)	DETERMINATION OF GOOD FAITH
v.)	SETTLEMENT
)	(Document 73)
AMTRAK, et al.,)	
)	
)	
Defendants.)	

This is one of three consolidated actions arising out of an accident between an Amtrak train and truck owned by Randy’s Trucking, Inc. (“Randy’s”), on July 19, 2007. In the consolidated action 1:09cv331 OWW DLB, Plaintiffs Robert, Rachel, Jessica and Erica Garcia filed a personal injury action against Amtrak and Randy’s in February 2009. After consolidation, Randy’s filed a cross-claim for indemnification against Amtrak.

On May 21, 2009, Amtrak and BNSF filed a notice of settlement with respect to the Garcia Plaintiffs. According to the notice, Amtrak and BNSF agreed to settle the Garcia action for \$10,000. The notice also informed any party wishing to challenge the good faith nature of the settlement to file an opposition within 25 days of the date of mailing. Also on May 21, 2009, Amtrak and BNSF filed their application for a determination of good faith settlement under [California Code of Civil Procedure section 877.6](#).

1 On May 27, 2009, prior to the objection period set forth in [California Code of Civil](#)
2 [Procedure section 877.6\(b\)](#), the Court issued its order granting the application for determination
3 of good faith settlement.

4 Accordingly, as the order was issued prematurely, it is VACATED. As discussed at the
5 September 4, 2009, hearing, Plaintiffs' motion to vacate the order SHALL BE construed as an
6 application for a finding of good faith settlement. The parties submitted additional briefing and
7 the matter is now referred to the Magistrate Judge for Findings and Recommendation.

8
9 IT IS SO ORDERED.

10 **Dated: December 16, 2009**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE