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

BNSF RAILWAY COMPANY, a
Delaware Corporation,

Plaintiff,

v.

SAN JOAQUIN VALLEY RAILROAD
COMPANY, a California Corporation,
TULARE VALLEY RAILROAD
COMPANY, a Nevada Corporation,

Defendants.

NO. 1:08-CV-01086-AWI-SMS

ORDER VACATING
FEBRUARY 22, 2010 HEARING
DATE AND TAKING MATTER
UNDER SUBMISSION

Plaintiff's motion to strike SJVR's "First Amended Supplemental Counterclaim" has been set for hearing in this case on February 22, 2010. The court has reviewed the papers and has determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of February 22, 2010, is VACATED, and the parties shall not appear at that time. As of February 22, 2010, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: February 17, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE