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

BNSF RAILWAY COMPANY.,

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

Plaintiff,

ORDER RESETTING PARTIES'
MOTIONS FOR SUMMARY
JUDGMENT HEARING TO JUNE 7,
2010 AND VACATING APRIL 2,
2010 PRE-TRIAL CONFERENCE
AND MAY 11, 2010 TRIAL DATE

v.

SAN JOAQUIN VALLEY RAILROAD
COMPANY, et al.,

Defendants.

and related counter-claims.

Plaintiff BNSF Railway Company's ("BNSF") motion for summary judgment, San Joaquin Valley Railroad Company ("SJVR") and Tulare Valley Railroad Company's ("TVRC") motions for summary judgment are pending in this action and are set for hearing on April 12, 2010.

On March 10, 2010, Timothy Thornton, counsel for BNSF, informed the court that he would be unavailable April 8 through 19, 2010 and requested that the court reset the summary judgment hearings for a date before April 8, 2010 or after April 19, 2010. James Hicks, counsel for SJVR and TVRC, informed the court that he would stipulate to a new hearing date but would request a hearing date on or after April 20, 2010 due to his own vacation plans.

Based on the parties' stipulation, the court has determined that it is necessary to vacate the hearings on the parties' motions for summary judgment and reset the hearings to June 7,

1 2010. As a result, it is also necessary to vacate the April 2, 2010 pre-trial conference and May
2 11, 2010 trial date.

3
4 **ORDER**

- 5 1. The Motion for Summary Judgment hearings set for April 12, 2010, are
6 VACATED;
- 7 2. The Motions for Summary Judgment hearings are RESET to June 7, 2010 at
8 1:30pm in Courtroom 2;
- 9 3. The April 2, 2010 Pre-Trial Conference is VACATED pending the Court's
10 determination of the parties' motions for summary judgment; and
- 11 4. The May 11, 2010 Trial date is VACATED pending the Court's determination of
12 the parties' motions for summary judgment.

13
14 IT IS SO ORDERED.

15 **Dated: March 11, 2010**

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