

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

BNSF RAILWAY COMPANY,)	NO. 1:08-CV-01086 AWI SMS
)	
Plaintiff,)	ORDER VACATING
)	JUNE 7, 2010 HEARING DATE
v.)	AND TAKING MATTERS
)	UNDER SUBMISSION
SAN JOAQUIN VALLEY RAILROAD)	
COMPANY, et al.,)	
)	
Defendants.)	
<hr/>		
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 have been set for hearing in this case on June 7, 2010. The court has reviewed the papers and has determined that these matters are suitable for decision without oral argument. Local Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of June 7, 2010, is VACATED, and the parties shall not appear at that time. As of June 7, 2010, the court will take the matters under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: June 3, 2010

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