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IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

BNSF RAILWAY COMPANY,)	**CV F 08 - 1086 AWI SMS**
)	
Plaintiff,)	**ORDER VACATING**
)	**HEARING DATES FOR**
v.)	**MOTION FOR**
)	**RECONSIDERATION AND**
SAN JOAQUIN VALLEY RAILROAD)	**FOR PRETRIAL**
COMPANY, et al.,)	**CONFERENCE**
)	
Defendants.)	
_____)	

Currently before the court is a motion by defendant San Joaquin Valley Railroad ("Defendant") for reconsideration of the court's "Memorandum Opinion and Order on Cross-Motions for Summary Judgment or Summary Adjudication" filed April 18, 2012. (Doc. # 231, hereinafter, the "April 18 Order"). Hearing on Defendant's motion for reconsideration is currently set for Monday, June 4, 2012. The court has reviewed Defendant's motion for reconsideration, Plaintiff's opposition and Defendant's reply and has determined that, at least for the present, the issue is suitable for decision without oral argument. Local Rule 78-230(h). If the court later finds that oral argument would likely be helpful, it will notify the parties to set an acceptable time and date.

1 The court also notes that a pretrial conference is currently set in this case for Friday,

2 June 1, 2012. Given that neither party has identified what, if any, issues remain as a

3 consequence of this court's April 18 Order, the court concludes that whether any issue

4 remains for trial will be determined by the court's decision on Defendant's motion for

5 reconsideration. The court therefore deems it prudent to vacate the date currently set for

6 pretrial conference pending its decision on the motion for reconsideration.

8 THEREFORE, it is hereby ordered that the hearing date of June 4, 2012 is hereby

9 VACATED and no party shall appear at that time. As of June 4, 2012, the court will take

10 Defendant's motion for reconsideration under submission and will thereafter render its

11 opinion. Likewise, the pretrial conference date currently set for Friday, June 1, 2012, is

12 hereby VACATED, and no party shall appear on that date.

14 IT IS SO ORDERED.

16 Dated: ___May 30, 2012___ _____

CHIEF UNITED STATES DISTRICT JUDGE