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

<b>BNSF RAILWAY COMPANY,</b>	)	<b>CV F 08 - 1086 AWI SMS</b>
<b>Plaintiff,</b>	)	<b>ORDER VACATING</b>
<b>v.</b>	)	<b>HEARING DATE FOR</b>
<b>SAN JOAQUIN VALLEY RAILROAD</b>	)	<b>DEFENDANT’S MOTION FOR</b>
<b>COMPANY, et al.,</b>	)	<b>LEAVE TO AMEND ANSWER</b>
<b>Defendants.</b>	)	<b>TO AMENDED COMPLAINT</b>
_____	)	<b>AND SUPPLEMENTAL</b>
	)	<b>COUNTERCLAIM</b>

Currently before the court is a motion by defendant San Joaquin Valley Railroad (“Defendant”) to amend their Answer and Supplemental Counterclaims to the First Amended Complaint of plaintiff BNSF Railway Company (“Plaintiff”). Hearing on Defendant’s motion for leave to amend is currently set for Monday, August 20, 2012. The court has reviewed Defendant’s motion, 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            THEREFORE, it is hereby ordered that the hearing date of August 20, 2012 is hereby  
2 VACATED and no party shall appear at that time. As of August 20, 2012, the court will take  
3 Defendant's motion for reconsideration under submission and will thereafter render its  
4 opinion.

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6 IT IS SO ORDERED.

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8 Dated: August 17, 2012

  
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CHIEF UNITED STATES DISTRICT JUDGE