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

<b>BNSF RAILWAY COMPANY,</b>	)	<b>NO. 1:08-CV-01086-AWI-SMS</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER VACATING</b>
	)	<b>JULY 6, 2009 HEARING DATE</b>
<b>v.</b>	)	<b>AND TAKING MATTER</b>
	)	<b>UNDER SUBMISSION</b>
<b>SAN JOAQUIN VALLEY RAILROAD</b>	)	
<b>COMPANY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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Defendants’ motion for summary judgment has been set for hearing in this case on July 6, 2009. 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 July 6, 2009, is VACATED, and the parties shall not appear at that time. As of July 6, 2009, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

**Dated:** July 1, 2009

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