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

| | | |
|-----------------------------|---|-----------------------------|
| ESTATE OF BRYAN ARMENTA |) | No. CV-F-08-1496 OWW/GSA |
| LOPEZ, et al., |) | |
| |) | ORDER DENYING DEFENDANT |
| |) | CALIFORNIA PUBLIC UTILITIES |
| |) | COMMISSION'S MOTION TO |
| Plaintiffs, |) | REMAND AS MOOT (Doc. 8) AND |
| |) | VACATING ORAL ARGUMENT SET |
| vs. |) | FOR FEBRUARY 23, 2009 |
| |) | |
| |) | |
| NATIONAL RAILROAD PASSENGER |) | |
| CORPORATION, et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

Because the parties have stipulated to the dismissal of Defendant California Public Utilities Commission, the PUC's motion to remand is DENIED AS MOOT. Oral argument set for February 23, 2009 is VACATED.

IT IS SO ORDERED.

Dated: February 20, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE