

1 **AUCHARD & STEWART**  
 A PROFESSIONAL CORPORATION  
 2 ATTORNEYS AT LAW  
 2377 W. SHAW AVE., STE. 106  
 3 FRESNO, CA 93711-3438  
 TELEPHONE (559) 432-0991  
 4 FAX (559) 432-1025  
 5 Paul Auchard - 060474

6 Attorneys for Plaintiff, BNSF RAILWAY COMPANY

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA-FRESNO DIVISION**

10 \* \* \* \* \*

11 NATIONAL RAILROAD PASSENGER )  
 CORPORATION AND BNSF RAILWAY )  
 COMPANY, )

12 Plaintiffs, )

13 vs. )

14 BURTON OLSON TRUCKING COMPANY; )  
 15 JOSE MARTINEZ; E.M. THARP, INC.; )  
 INDIVIDUALLY AND DBA GOLDEN )  
 16 STATE PETERBILT, )

17 Defendants. )  
 18 \_\_\_\_\_ )

**CASE NUMBER: 1:09-cv-01190-OWW-SKO**  
 Consolidated with Case No. 1:09-cv-01265-AWI-SMS

**STIPULATION OF DISMISSAL AND ORDER THEREON**

19 IT IS HEREBY STIPULATED, by and between the parties hereto, that the above action, be  
 20 and hereby is dismissed in its entirety, with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal  
 21 Rules of Civil Procedure.

22 Each party will bear its own costs and attorney's fees.

23 DATED: June 17, 2011.

LOMBARDI, LOPER & CONANT, LLP

24 By           /s/ John W. Ranucci            
 25 JOHN W. RANUCCI, Attorneys  
 for Plaintiff, NATIONAL RAILROAD  
 26 PASSENGER CORPORATION

1 DATED: June 17, 2011.

AUCHARD & STEWART

2 By                   /s/ Paul Auchard                  

PAUL AUCHARD, Attorneys for  
Plaintiff, BNSF RAILWAY COMPANY

4 DATED: June 15, 2011.

LAW OFFICE OF THOMAS J. BURNS

6 By                   /s/ Thomas J. Burns                  

THOMAS J. BURNS, Attorney for  
Defendant, E.M. THARP, INC.,  
INDIVIDUALLY AND DBA GOLDEN  
STATE PETERBILT

8 DATED: June 17, 2011.

HOPPE LAW GROUP

10 By                   /s/ Theodore W. Hoppe                  

THEODORE W. HOPPE, Attorneys  
for Defendants, BURTON OLSON  
TRUCKING COMPANY AND JOSE  
MARTINEZ

13 **ORDER**

15 IT IS SO ORDERED.

16 **Dated: June 17, 2011**

                  /s/ Oliver W. Wanger                    
UNITED STATES DISTRICT JUDGE

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