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 BNSF RAILWAY COMPANY, sued herein as BURLINGTON  
 7 NORTHERN AND SANTA FE RAILWAY CORPORATION,  
 and UNION PACIFIC RAILROAD COMPANY  
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9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA  
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12 THE REDEVELOPMENT AGENCY OF  
 THE CITY OF STOCKTON, a public body,  
 13 corporate and politic,

14 Plaintiff,

15 v.

16 BURLINGTON NORTHERN AND SANTA  
 FE RAILWAY CORPORATION; UNION  
 17 PACIFIC RAILROAD COMPANY; and  
 DOES 1 through 100,  
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19 Defendants.

20 AND RELATED COUNTERCLAIMS  
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Case No. 2:10-CV-00634-JAM-JFM

**ORDER RE: DEFENDANTS' NOTICE  
 OF MOTION AND MOTION FOR  
 SUMMARY JUDGMENT**

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Date: December 7, 2011  
 Time: 9:30 a.m.  
 Location: Courtroom 6  
 Judge: Hon. John A. Mendez

22 The motion for summary judgment of Defendants BNSF RAILWAY COMPANY and  
 23 UNION PACIFIC RAILROAD COMPANY ("the Railroads") came on regularly for hearing on  
 24 December 7, 2011 at 9:30 a.m. in Courtroom 6 of the United States District Court for the Eastern  
 25 District of California, Sacramento Division, before the Honorable John A. Mendez. Plaintiff was  
 26 represented by the law firm of Brown & Winters. Defendants were represented by the law firm  
 27 of Barg Coffin Lewis & Trapp, LLP.

28 Having considered the moving, opposition, and reply papers, the admissible evidence, and



1 the arguments of counsel, the Court finds, based on the undisputed material facts, that the  
2 Railroads are entitled to summary judgment. The decision of the Ninth Circuit Court of Appeals  
3 in *Redevelopment Agency of the City of Stockton v. BNSF Ry. Co.*, 643 F.3d 668 (9th Cir. 2011),  
4 and this Court's judgment following remand in that case (No. 2:05-CV-02087-DFL-JFM) are  
5 dispositive of all claims for relief asserted by plaintiff in the instant action. Moreover, the  
6 doctrine of collateral estoppel applies to preclude plaintiff from re-litigating the issues decided in  
7 that prior decision and judgment.

8 ACCORDINGLY, IT IS HEREBY ORDERED that the Railroads' motion for summary  
9 judgment is GRANTED.

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DATED: 12/7/2011

/s/ John A. Mendez  
HON. JOHN A. MENDEZ  
United States District Judge

