

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

FILED

FEB 4 2010

APPELLATE DIVISION

K. TORRE, CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
Deputy Clerk

Superior Court No. 090747-7

Trial Court No. 301322-4

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff and Respondent

VS

ORDER DENYING WRIT OF MANDATE

BNSF
Defendant and Appellant

The court orders that the Writ of Mandate in the above matter is hereby DENIED.

Date: 2/4/10



JOYCE CRAM
PRESIDING APPELLATE JUDGE



JILL FANNIN
APPELLATE JUDGE



JOHN W. KENNEDY
APPELLATE JUDGE

DOCKET NO. 090747-7

PROOF OF SERVICE BY MAIL

I hereby certify that I am a citizen of the United States, over the age of 18 years and not a party to the within action. I served a true copy of the foregoing document by placing same in an envelope which was sealed, provided with postage and deposited in the U. S. Mail at Martinez, Ca.

Said envelope was addressed to:

LATHAM & WATKINS LLP
505 MONTGOMERY STREET
SUITE 2000
SAN FRANCISCO, CA. 94111-6538

RICHMONDS CITY ATTORNEY'S OFFICE
450 CIVIC CENTER PLAZA
RICHMOND, CA. 94804

MOSCONE, EMBLIDGE & QUADRA, LLP
220 MONTGOMERY STREET
MILLTS TOWER, STE 2100
SAN FRANCISCO, CA. 94104

SUPERIOR COURT - RICHMOND

I certify under penalty of perjury that the foregoing is true and correct.

Dated at Martinez, Ca. on February 5, 2010

E. Velazco

E.VELAZCO, Deputy Clerk