

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

FILED

FEB 4 2010

APPELLATE DIVISION

K. TORRES, 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

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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  
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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

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E.VELAZCO, Deputy Clerk