

Decision NO. 12035-

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

M. E. Galvan and G. F. Galvan,)
co-partners, doing business)
under the Firm Name and Style)
of M. E. Galvan & Son,)
Complainants.)

vs.)

Southern Pacific Company,)
Defendant.)

CASE NO. 1758.

ORIGINAL

BY THE COMMISSION:

ORDER OF DISMISSAL

The complainants in this proceeding, filed April 26, 1922, allege that the Southern Pacific Company in the past has refused to deliver loaded cars to the State Belt Railroad at San Francisco. In its answer to the complaint the Southern Pacific Company denies the allegations and as a defense sets up that all cars are promptly moved unless prevented by the rules and regulations of the Belt Railroad.

A hearing was held on August 17, 1922, at which time a partial presentation was made and, by request of the interested parties, further action was postponed.

On December 12, 1922, after a number of resettings, the case was dropped from the Commission's Calendar in accordance with an agreement between the complainants and the defendant.

The complainants having had every opportunity, during the past year, to prosecute the proceeding and having failed to take action, and the Commission being fully apprised in the premises believes the complaint should be dismissed without prejudice.

IT IS HEREBY ORDERED for good cause appearing that
Case No. 1758 should be, and the same is hereby dismissed without
prejudice.

Dated at San Francisco, California, this 4th
day of May, 1923.

C. Seavey

Dwight Matson

J. T. Whittling
Commissioners.