

Decision No. 27907

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

REGULATED CARRIERS, INC.,
a corporation,

Complainant,

vs.

Case No. 3897.

W. A. BURKE, A. L. HUGHES, JOHN DOE
WINROTT, and W. A. BURKE, A. L.
HUGHES and JOHN DOE WINROTT doing
business under the fictitious name
and style of Burke & Hughes, FIRST
DOE, SECOND DOE, THIRD DOE, FOURTH
DOE, FIFTH DOE, FIRST DOE CORPORATION,
SECOND DOE CORPORATION, THIRD DOE CORPOR-
ATION, FOURTH DOE CORPORATION, FIFTH
DOE CORPORATION,

Defendants.

ORIGINAL

R. L. Vaughan & Scott Elder, by Scott Elder,
for complainant.

Edward M. Berolski, for defendants.

BY THE COMMISSION:

O P I N I O N

This proceeding was filed October 4, 1934, and complainant is seeking an order requiring W. A. Burke and A. L. Hughes, also operating under the fictitious name of Burke & Hughes, to cease and desist common carrier truck operations.

The case was called for a hearing January 29, 1935. After the introduction of some minor testimony, attorney for the defendants moved a dismissal upon the grounds that the defendants have ceased doing business as individuals or as a partnership prior to October 4, 1934. The instant record shows that defendants were engaged as co-partners under the name of Burke & Hughes from the latter part of 1933 to August 9, 1934, when the partnership was dissolved and defendants then established the corporation of Burke & Hughes, Inc.

Under date of November 2, 1934, Regulated Carriers, Inc. instituted a second proceeding (Case No. 3926) against these parties, naming as defendants Burke & Hughes, Inc., A. L. Hughes, W. A. Burke, Mrs. Alice Tapley, Stewart Tapley, Jack Sullivan and George Hall.

We have today issued an opinion and order in Case No. 3926 requiring Burke & Hughes, Inc. and the other parties named as defendants to cease and desist truck operations. We are of the opinion that this proceeding, Case No. 3897, should now be dismissed.

O R D E R

Upon consideration of the record in the above entitled proceeding and good cause appearing,

IT IS HEREBY ORDERED that Case No. 3897 be and it is hereby dismissed.

Dated at San Francisco, California, this 29th day of April, 1935.

Leon Arthur

M. J. Lee

M. B. Lewis

W. A. Burke

Frank R. Lee

Commissioners.