

Decision No. 27939

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
Certificated Highway Carriers, Inc., )

Complainant,

v.

Willie Block and Eddie Block,  
Defendants.

Case No. 3940

**ORIGINAL**

H. J. Bischoff and Phil Jacobson, for Complainant.

Edward Stern, Intervenor for Complainant.

BY THE COMMISSION -

O P I N I O N

This case came on for hearing on March 14, 1935, before Examiner Johnson at Indio upon the complaint charging common carrier operations from Coachella and Oasis and other points in Coachella valley between Oasis and Indio to Los Angeles.

The facts developed at the hearing may be briefly summarized as follows:

William Block and Edward Block, sued herein as Willie and Eddie Block, were youths 21 and 20 years of age, respectively, who were hired by their father at \$4.00 per diem to haul farm produce from the Coachella valley to the Los Angeles markets. The father, who was not sued or joined in this action, owned the trucks and made whatever profit or suffered whatever loss accrued during these operations. We believe there is a failure of proof of the allegations in the complaint in this action and that if anyone is operating as a public carrier, as charged in the complaint, it is a party who is not sued herein. Complainant failed to request any amendment of the complaint at the hearing or subsequent thereto.

After a full consideration of the evidence adduced in this case we believe the complaint should be dismissed.

ORDER

IT IS HEREBY ORDERED that the above entitled matter be dismissed without prejudice.

Dated at San Francisco, California, this 6th day of May, 1935.

Leon C. Whaley

W. B. Lewis

M. B. Lewis

W. B. Lewis

Frank R. Lewis

COMMISSIONERS.