

Decision No. 60311

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John Vinton,

Complainant,

vs.

Case No. 6403

Northwestern Pacific Railroad Company,
Defendant.

ORDER OF DISMISSAL

This complaint was filed on January 11, 1960, requesting that the Commission order defendant to replace certain fences on the railroad right of way through complainant's land and praying for damages for four of complainant's cattle which were killed by one of defendant's trains on June 5, 1959.

The complaint was filed by the complainant in propria persona, although shortly thereafter he obtained the services of counsel. On June 1, 1960 the complainant's counsel wrote to the Commission and requested that the matter be dismissed without prejudice, since the complaint requires amendment and the complainant prefers an indefinite postponement of all proceedings.

The Commission is of the opinion and we hereby find and conclude that no purpose would be served by the continued pendency of this matter until such time as complainant is ready to proceed and that the complaint should be dismissed; therefore,

IT IS HEREBY ORDERED that the complaint is dismissed without prejudice.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of June, 1960.

[Signature] President
[Signature]
[Signature]
Theodore J. J. J. Commissioners