

ORIGINAL

Decision No. 63736

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN MARZOLINO, JOHN BAUMGARDT,

Complainants,

vs.

Case No. 7121

JAMES HARRINGTON MacDONALD

Defendant.

John Marzolino, in propria persona.
Houston A. Snidow, for defendant.
Robert C. Durkin, for the Commission staff.

O P I N I O N

Public hearing was held in this matter on October 17, 1961, in Azusa, California, before Examiner John A. Rowe. At said hearing only the complainant John Marzolino appeared, and without offering substantial evidence requested and was granted a continuance until December 19, 1961, in order to prepare his case. On December 5, 1961, a further continuance was requested, whereupon the matter was taken off calendar. By letter dated May 3, 1962, complainant Marzolino has advised the Commission that he does not intend to continue with the complaint.

It appears and the Commission finds and concludes that complainants have failed to diligently prosecute said complaint. Accordingly, the matter should be dismissed without prejudice.

O R D E R

Complaint having been filed, public hearing having been held and based upon the above finding,

IT IS ORDERED that the complaint in Case No. 7121 is submitted and 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 May, 1962.

Crevel W. Rose
President
W. L. Hatchell
S. J. Fox
George E. Grover
Frederick B. Hallock
Commissioners