

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 08-1264**

**September Term 2008**

**TRAN-65FR79462**

**TRAN-73FR62910**

**TRAN-73FR35961**

**Filed On: February 6, 2009** [1163588]

BNSF Railway Company, et al.,

Petitioners

v.

United States Department of  
Transportation,

Respondent

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Consolidated with 08-1276, 08-1338,  
08-1342, 08-1361, 08-1362, 08-1378

**ORDER**

It is **ORDERED**, on the court's own motion, that this case be scheduled for oral argument on March 26, 2009, at 9:30 A.M., before Circuit Judges Henderson, Tatel and Kavanaugh.

The time and date of oral argument will not change absent further order of the Court.

A separate order will be issued regarding the allocation of time for argument.

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Cheri W. Carter  
Deputy Clerk

The following forms and notices are available on the Court's website:

Memorandum to Counsel Concerning Cases Set for Oral Argument (Form 71)