

FILED

OCT 25 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KERSHAW SUNNYSIDE RANCHES,
INC.,

Petitioner,

v.

SURFACE TRANSPORTATION
BOARD, AND UNITED STATES OF
AMERICA,

Respondent,

YAKIMA COUNTY; et al.,

Respondent-Intervenor.

No. 05-76364

STB No. AB-600

ORDER*

On Petition for Review of an Order of the
Surface Transportation Board

Submitted October 18, 2007**
Seattle, Washington

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: D.W. NELSON, BEAM^{***}, and RYMER, Circuit Judges.

The Stipulated Motion for Dismissal filed on October 18, 2007, is GRANTED. This case is hereby dismissed with prejudice. Each party shall bear its respective costs and attorneys' fees.

A certified copy of this order sent to the district court shall act as and for the mandate of this court.

DISMISSED.

^{***} The Honorable C. Arlen Beam, Senior United States Circuit Judge for the Eighth Circuit, , sitting by designation.