

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
January 4, 2016
Part of
Public Record

NORTH AMERICA FREIGHT CAR)
ASSOCIATION; AMERICAN FUEL &)
PETROCHEMICAL MANUFACTURERS;)
THE CHLORINE INSTITUTE; THE)
FERTILIZER INSTITUTE; AMERICAN)
CHEMISTRY COUNCIL; ETHANOL)
PRODUCTS, LLC D/B/A POET ETHANOL)
PRODUCTS; POET NUTRITION, INC.; and)
CARGILL INCORPORATED)
)
)
vs.)
)
UNION PACIFIC RAILROAD)
COMPANY)

Docket No. NOR 42144

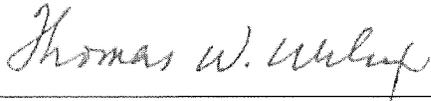
MOTION TO ADOPT PROCEDURAL SCHEDULE

The Complainants in this case hereby request the Surface Transportation Board to adopt a procedural schedule in this proceeding for the submission of evidence and argument. In its Decision served on December 21, 2015 that denied Defendant Union Pacific Railroad Company's motion to dismiss the complaint, or to direct the Complainants to make allegations in the complaint more definite, the Board directed the parties in this case "to meet and confer and to submit (either jointly or individually) a proposed procedural schedule by January 4, 2016." Decision at 6. Counsel for Complainants and Defendant met and conferred via electronic mail and telephone in an attempt to develop a procedural schedule that they could jointly submit for the Board's approval, but they were unable to reach agreement on all elements of a proposed schedule. Complainants therefore are collectively submitting the following proposed procedural

schedule that they ask the Board to adopt for this proceeding, with “D” being the service date of the Board’s decision adopting the schedule:

- D+120 Completion of document discovery (deadline for serving discovery requests; follow up to discovery responses continues)
- D+165 Completion of deposition discovery
- D+195 Complainants’ Opening Evidence and Argument (Association Complainants submit jointly)
- D+240 Defendant’s Reply Evidence and Argument
- D+270 Complainants’ Rebuttal Evidence and Argument (Association Complainants submit jointly)

Respectfully submitted



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January 4, 2016

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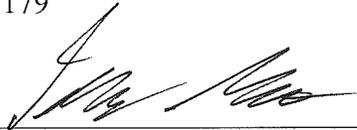
CERTIFICATE OF SERVICE

I do hereby certify that on this 4th day of January, 2016, I have served a copy of the foregoing Motion to Adopt Procedural Schedule via electronic mail and regular mail to counsel for Defendant at the following address:

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