

ENTERED
Office of Proceedings
September 9, 2016
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

NORTH AMERICA FREIGHT CAR)	
ASSOCIATION; AMERICAN FUEL &)	
PETROCHEMICALS MANUFACTURERS;)	
THE CHLORINE INSTITUTE; THE)	
FERTILIZER INSTITUTE; AMERICAN)	
CHEMISTRY COUNCIL; ETHANOL)	
PRODUCTS, LLC D/B/A POET ETHANOL)	NOR 42144
PRODUCTS; POET NUTRITION, INC.; and)	
CARGILL INCORPORATED)	
)	
vs.)	
)	
UNION PACIFIC RAILROAD)	
COMPANY)	

UNOPPOSED MOTION TO WITHDRAW
MOTION TO COMPEL DISCOVERY

The Complainants in this case: Association Complainants,¹ Ethanol Products, LLC d/b/a POET Ethanol Products (“POET Ethanol”), POET Nutrition, Inc., (“POET Nutrition”), and Cargill Incorporated (“Cargill”) hereby move to withdraw the Motion to Compel they filed on June 2, 2016 seeking an order compelling Defendant Union Pacific Railroad Company (“UP”) to provide a complete response to an Interrogatory and related Document Request posed in Complainants’ Second Discovery Requests to UP, served February 4, 2016.

As grounds for this motion, Complainants assert that in UP’s reply to the Motion to Compel UP renewed an earlier offer to produce documents responsive to the substance of the request. Upon receiving and reviewing UP’s document production, Complainants have

¹ The Association Complainants are the North America Freight Car Association (“NAFCA”), the American Fuel & Petrochemicals Manufacturers (“AFPM”), The Chlorine Institute, Inc. (“CI”), The Fertilizer Institute (“TFI”), and the American Chemistry Council (“ACC”).

concluded that UP has provided documents responsive to the Interrogatory and document request at issue, and therefore their Motion to Compel may be withdrawn.

The undersigned are authorized to state that UP does not oppose this Motion to Withdraw.

WHEREFORE, Complainants move for permission to withdraw their Motion to Compel.

Respectfully submitted,



Thomas W. Wilcox, Esq.
David K. Monroe, Esq.
Svetlana Lyubchenko, Esq.
GKG Law, P.C.
The Foundry Building
1055 Thomas Jefferson Street NW
Suite 500
Washington, DC 20007
(202) 342-5248

*Counsel for North America
Freight Car Association; Ethanol Products,
LLC d/b/a POET Ethanol Products;
POET Nutrition, Inc., and Cargill
Incorporated*



Justin A. Savage, Esq.
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
(202) 637-5558

*Counsel for American Fuel &
Petrochemicals Manufacturers*



Paul M. Donovan, Esq.
LaRoe, Winn, Moerman & Donovan
1250 Connecticut Avenue, N.W., Suite 200
Washington, DC 20036
(202) 298-8100

Counsel for The Chlorine Institute



Jeffrey O. Moreno, Esq.
Thompson Hine LLP
1919 M Street, NW Suite 700
Washington, DC 20036
(202) 263-4107

*Counsel for The Fertilizer Institute and the
American Chemistry Council*

September 9, 2016

CERTIFICATE OF SERVICE

I do hereby certify that on this 9th day of September, 2016, I have served a copy of the accompanying Unopposed Motion to Withdraw Motion to Compel Discovery via electronic mail and regular mail to counsel for Defendant at the following addresses:

Michael Rosenthal
Carolyn F. Corwin
Covington & Burling, LLP
One CityCenter
850 10th Street, NW
Washington, DC 20001

Gayla L. Thal
Louise A. Rinn
Danielle E. Bode
Jeremy M. Berman
Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

The Honorable John P. Dring
Federal Regulatory Commission Office
of Administrative Law Judges
888 First Street, N.E.
Washington, DC 20426

Patricia E. Charles
181 W. Madison Street
26th Floor
Chicago, IL 60602

Jennifer A. Kenedy
111 South Wacker Drive
Chicago, IL 60606

Peter A. Pfohl
Slover & Loftus
1224 Seventeenth Street, NW
Washington, DC 20036-3003

Kevin M. Sheys
Nossaman LLP
1666 K Street, NW
Suite 500
Washington, DC 20006



Thomas W. Wilcox