

BEFORE THE

232487

SURFACE TRANSPORTATION BOARD

CARGILL, INC. *et al.*

Complainants,

v.

ABERDEEN AND ROCKFISH RAILROAD  
COMPANY, *et al.*

Defendants.

ENTERED  
Office of Proceedings  
June 22, 2012  
Part of  
Public Record

 <b>GRANTED</b> Office of Proceedings	DECISION ID NO: <u>42504</u>
	Docket No. NOR-42117
	DECIDED DATE: <u>6/29/12</u>
	SERVICE DATE: <u>6/29/12</u>
APPROVED: <u>Rachel D Campbell</u> Director	
<input checked="" type="checkbox"/> Parties to file a status report by <u>8/28/12</u>	

**MOTION TO HOLD PROCEEDING IN ABEYANCE**

On January 29, 2010, Complainants filed both a Complaint and a Petition for Mediation in the above-captioned proceeding.<sup>1</sup> In multiple subsequent decisions, the Surface Transportation Board ("STB" or "Board") has granted unopposed motions to extend the mediation period. The most recent such extension expired on May 11, 2012. Through the mediation process, the Complainants and Defendants have reached an agreement in principal to settle their dispute. Therefore, Complainants request that the Board hold this proceeding in abeyance while the parties formalize their settlement. Complainants have consulted with the "AAR Defendants," and the Intervenor, North America Freight Car Association, who have authorized the Complainants to represent that they concur with this request.<sup>2</sup>

<sup>1</sup> Complainants filed a First Amended Complaint on February 17, 2010 for the sole purpose of adding two additional complainants to this proceeding.

<sup>2</sup> The "AAR Defendants" are the Association of American Railroads; Railinc, Corp; BNSF Railway Co.; Buffalo & Pittsburgh Railroad, Inc.; Canadian National Railway Co.; Canadian Pacific Railway Co.; CSX Transportation, Inc.; Gary Railway Co.; Norfolk Southern Railway Co.; Rochester & Southern Railroad, Inc.; The Kansas City Southern Railway Co.; and Union Pacific Railroad Co.

## CERTIFICATE OF SERVICE

I hereby certify that I have caused the Motion to Hold Case in Abeyance to be served this

22nd day of June 2012:

1. By email:

<p>David T. Ralston Foley &amp; Lardner LLP 3000 K Street, N.W. Sixth Floor Washington, DC 20007-5109 <i>Counsel For Cedar Rapids and Iowa City Railway Co.</i></p>	<p>Michael Rosenthal Covington &amp; Burling LLP 1201 Pennsylvania Avenue, N.W. Washington, DC 20004-2401 <i>Counsel For Association of American Railroads Railinc, Corp. BNSF Railway Co. Canadian National Railway Co. Canadian Pacific Railway Co. CSX Transportation, Inc. Gary Railway Co. Norfolk Southern Railway Co. The Kansas City Southern Railway Co. Union Pacific Railroad Co.</i></p>
<p>Eric M. Hocky Thorp Reed &amp; Armstrong, LLP 2005 Market Street, Suite 1000 Philadelphia, PA 19103-7041 <i>Counsel for: Aberdeen and Rockfish Railroad Co., and New York, Susquehanna and Western Railway Corp.</i></p>	<p>Andy Goldstein McCarthy, Sweeney and Harkaway, P.C. 2175 K Street, N.W. Suite 600 Washington, DC 20037 <i>Counsel for: North American Freight Car Association</i></p>
<p>Mark H. Sidman Rose-Michele Nardi Weiner Brodsky Sidman Kider PC 1300 19th Street, N.W. – Fifth Floor Washington, DC 20036 <i>Attorneys for: Central Washington Railroad Company Montana Rail Link, Inc.</i></p>	<p>Louis E. Gitomer The Adams Building, Suite 301 600 Baltimore Avenue Townson, Maryland 21204-4022 <i>Attorney for: Indiana and Ohio Railway Company</i></p>
<p>Robert B. Burns Pan Am Railways 1700 Iron Horse Park North Billerica, MA 01862</p>	

Attorney for: <i>Boston and Maine Corporation</i> <i>Maine Central Railroad Company</i> <i>Pan Am Railways, Inc.</i> <i>Portland Terminal Company</i> <i>Springfield Terminal Railway Co.</i>	
---	--

2. The following parties have been served by first class mail:

Cindy Sanborn President Baltimore and Ohio Chicago Terminal Railroad Company c/o CSX Transportation Inc. 500 Water Street Jacksonville, FL 32202	Daniel R. Sabin President Iowa Northern Railway 122 North 2nd Street P.O. Box 640 Greene, IA 50636
Elgin, Joliet and Eastern Railway Company c/o Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9	David Collins 200 Meridian Centre Blvd; Suite 300 Rochester, New York 14618 <i>For Buffalo and Pittsburg Railroad Inc.</i> <i>Rochester and Southern Railroad, Inc.</i>

  
 \_\_\_\_\_  
 Jeffrey O. Moreno