

29094  
SEC

SERVICE DATE - APRIL 6, 1998

SURFACE TRANSPORTATION BOARD

No. 41670

SHELL CHEMICAL COMPANY and SHELL OIL COMPANY  
v.  
BOSTON & MAINE CORPORATION, ET AL.

Decision No. 24

Decided: April 1, 1998

In a motion filed March 27, 1998, complainants Shell Chemical Company and Shell Oil Company indicate that they have reached an agreement and resolved their controversy with defendant Consolidated Rail Corporation, "including its subsidiaries and affiliates." Accordingly, complainants move to dismiss with prejudice as to this defendant, "including its subsidiaries and affiliates."

The request to dismiss as to this defendant is reasonable and will be granted. There is, however, no reason to dismiss as to this defendant's "subsidiaries and affiliates," because no such subsidiary or affiliate is a party to this proceeding. See the complaint filed Dec. 24, 1995, at 1-2 (¶2, listing the defendants).<sup>1</sup>

It is ordered:

1. The motion to dismiss is granted, and the complaint is dismissed with prejudice as to defendant Consolidated Rail Corporation.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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<sup>1</sup> With the dismissal of Consolidated Rail Corporation, there are 15 remaining defendants. See Decision No. 23 (served Dec. 15, 1997), slip op. at 1 n.2 (listing the 16 then remaining defendants).

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