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SERVICE DATE - MARCH 26, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42073

NEWELL WINDOW FURNISHINGS, INC., AND NEWELL RUBBERMAID, INC.

v.

UNITED PARCEL SERVICE, INC., AN OHIO CORPORATION, AND UNITED PARCEL
SERVICE, INC., A NEW YORK CORPORATION

Decided: March 25, 2003

On March 28, 2002, Newell Window Furnishings, Inc., and Newell Rubbermaid, Inc. (collectively Newell), filed a petition for declaratory order requesting that the Board resolve the issues referred by the United States District Court for the Northern District of Georgia, Atlanta Division (the court) in Civil Action No. 1:01-cv-1788-GET, United Parcel Service, Inc., an Ohio Corporation; and United Parcel Service, Inc., a New York Corporation v. Newell Window Furnishings, Inc., a Delaware Corporation; and Newell Rubbermaid, Inc., a Delaware Corporation, as well as various issues raised in an informal complaint before the Board. Because the court has reported that the parties have settled or are in the process of settling their dispute, and has issued an order dismissing the case without prejudice, there appears to be no reason to continue this proceeding. Accordingly, the declaratory order proceeding will be dismissed without prejudice.

It is ordered:

1. The petition for declaratory order is dismissed without prejudice, and the proceeding in STB Docket No. 42073 is discontinued.
2. This decision is effective on the date of service.
3. A copy of this decision will be served on: G. Ernest Tidwell, Senior Judge, United States District Court, 1967 Richard B. Russell Federal Building & United States Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303-3809.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary