

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41935

ABBOTT LABORATORIES; ACME LINEN COMPANY; AMERICAN DRUG STORES, INC.; ARAMARK CLEANROOM SERVICES, INC.; BERLIN PACKAGING; BIO CLINIC CORPORATION; BUGLE BOY INDUSTRIES, INC; CIBA-GEIGY CORPORATION; DANA CORPORATION D/B/A WIX DIVISION; DANISCO INGREDIENTS USA, FKA GRINDSTED PRODUCTS, INC.; DERBY CYCLE CORPORATION; ELECTRONIC BALLAST TECHNOLOGY, INC.; FINDLEY ADHESIVES, INC.; H.B. FULLER COMPANY; H&R BLOCK TAX SERVICES, INC.; HARROW PRODUCTS, INC.; HEALTH O METER, INC.; HOMAC MFG. COMPANY; HUNTSMAN FILM PRODUCTS CORPORATION; INFINITY SYSTEMS, INC.; INTERNATIONAL PAPER COMPANY; KIMBERLY-CLARK CORPORATION; LAKESHORE EQUIPMENT COMPANY, INC. D/B/A LAKESHORE LEARNING MATERIALS; LUCKY STORES, INC.; MAKITA U.S.A., INC.; MATTEL, INC.; MAXELL CORPORATION OF AMERICA; MCP INDUSTRIES, INC.; MITSUI-SOKO (U.S.A.) INCORPORATED; PACCAR PARTS, A DIVISION OF PACCAR INC.; PACKAGING INDUSTRIES GROUP, INC.; PHILIPS LIGHTING COMPANY, A DIVISION OF PHILIPS ELECTRONICS NORTH AMERICA CORPORATION; SENTINEL PRODUCTS CORP.; SPORTMART INC.; THE STANLEY WORKS, INC.; THE STATE CHEMICAL MANUFACTURING COMPANY; THOMAS & BETTS CORPORATION; TTX COMPANY; ULBRICH OF CALIFORNIA, INC.; VAN ZYVERDEN BROS., INC.; YOKOHAMA TIRE CORPORATION FKA THE MOHAWK RUBBER COMPANY; AND ZURN INDUSTRIES, INC.--PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND PRACTICES OF INDUSTRIAL FREIGHT SYSTEM, INC. AND ITS CORONA TRUCKING DIVISION

Decided: September 2, 1997

This proceeding arises out of the efforts of Industrial Freight System, Inc. (respondent) to collect undercharges for certain transportation services performed on behalf of Abbott Laboratories; Acme Linen Company; American Drug Stores, Inc.; Aramark Cleanroom Services, Inc.; Berlin Packaging; Bio Clinic Corporation; Bugle Boy Industries, Inc; Ciba-Geigy Corporation; Dana Corporation d/b/a Wix Division; Danisco Ingredients USA, fka Grindsted Products, Inc.; Derby Cycle Corporation; Electronic Ballast Technology, Inc.; Findley Adhesives, Inc.; H.B. Fuller Company; H&R Block Tax Services, Inc.; Harrow Products, Inc.; Health O Meter, Inc.; Homac Mfg. Company; Huntsman Film Products Corporation; Infinity Systems, Inc.; International Paper Company; Kimberly-Clark Corporation; Lakeshore Equipment Company, Inc. d/b/a Lakeshore Learning Materials; Lucky Stores, Inc.; Makita U.S.A., Inc.; Mattel, Inc.; Maxell Corporation of America; MCP Industries, Inc.; Mitsui-Soko (U.S.A.) Incorporated; Paccar Parts, a division of Paccar Inc.; Packaging Industries Group, inc.; Philips Lighting Company, a division of Philips Electronics North America Corporation; Sentinel Products Corp.; Sportmart Inc.; The Stanley Works, Inc.; The State Chemical Manufacturing Company; Thomas & Betts Corporation; TTX Company; Ulbrich of California, Inc.; Van Zyverden Bros., Inc.; Yokohama Tire Corporation fka The Mohawk Rubber Company; and Zurn Industries, Inc. (petitioners). The matter is before the Board on referral from the United States Bankruptcy Court for the Central District of California, for the Board's determination of unreasonable practice, rate unreasonableness, and/or other regulatory defenses asserted by petitioners against respondent's undercharge claim.

By decision served September 27, 1996, the Board established a procedural schedule in this proceeding. By letter filed August 26, 1997, petitioner's Abbott Laboratories (Abbott), Aramark Cleanroom Services, Inc. (Aramark), Bio Clinic Corporation (Bio), and Dana Corporation d/b/a Wix Division (Wix), request that the Board dismiss them as parties to this proceeding because their underlying court cases are being dismissed.

The request will be granted and Abbott, Aramark, Bio, and Wix will be dismissed from this proceeding.

It is ordered:

1. Petitioner's Abbott, Aramark, Bio, and Wix are dismissed from this proceeding.
- 2 This decision is effective on the service date.
- 3 A copy of this decision will be mailed to:

The Honorable Ernest M. Robles
United States Bankruptcy Court for
the Central District of California
Edward Roybal Federal Building and Courthouse
255 East Temple Street
Los Angeles, CA 90012

Re: Case No. LA 93-41245-ER, Adv. Nos. AD 95-03550 ER,
AD 95-03427 ER, AD 95-02437 ER, and AD 95-03184 ER

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary