

SURFACE TRANSPORTATION BOARD

DECISION

STB No. 41934

RUBBERMAID INCORPORATED; RUBBERMAID OFFICE PRODUCTS, INC.; THE
LITTLE TIKES COMPANY; AND JAMES RIVER PAPER COMPANY, INC.
--PETITION FOR DECLARATORY ORDER--CERTAIN RATES AND PRACTICES OF
INDUSTRIAL FREIGHT SYSTEM, INC. AND ITS CORONA TRUCKING DIVISION

Decided: June 27, 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 Rubbermaid Incorporated; Rubbermaid Office Products, Inc.; The Little Tikes Company; and James River Paper Company, 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. Petitioners' filed their opening statement on March 28, 1997. By stipulation of withdrawal filed June 18, 1997, petitioners Rubbermaid Incorporated, Rubbermaid Office Products, Inc., and The Little Tikes Company request that the Board dismiss them as parties to this proceeding because the Trustee for respondent has agreed to dismiss its underlying court proceeding.

The requests will be granted and Rubbermaid Incorporated, Rubbermaid Office Products, Inc., and The Little Tikes Company will be dismissed from this proceeding.

It is ordered:

1. Petitioners Rubbermaid Incorporated, Rubbermaid Office Products, Inc., and The Little Tikes Company 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 95-03524 ER,
AD 95-03399 ER, and AD 95-03407 ER

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary