

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
July 10, 2015
Part of
Public Record

**NORTH AMERICA FREIGHT CAR)
ASSOCIATION; AMERICAN FUEL &)
PETROCHEMICALS MANUFACTURERS;)
THE CHLORINE INSTITUTE; THE)
FERTILIZER INSTITUTE; AMERICAN)
CHEMISTRY COUNCIL; ETHANOL)
PRODUCTS, LLC D/B/A POET ETHANOL)
PRODUCTS; POET NUTRITION, INC.; and)
CARGILL INCORPORATED)
)
)
v.)
)
)
UNION PACIFIC RAILROAD)
COMPANY)**

Docket No. NOR 42144

**REPLY TO MOTION TO DISMISS FIRST AMENDED COMPLAINT
OR TO MAKE COMPLAINT MORE DEFINITE**

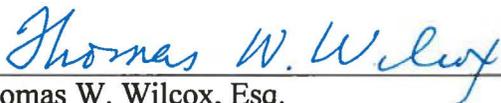
Complainants the North America Freight Car Association (“NAFCA”), the American Fuel & Petrochemicals Manufacturers (“AFPM”), The Chlorine Institute, Inc. (“CI”), The Fertilizer Institute (“TFI”), the American Chemistry Council (“ACC”), Ethanol Products, LLC d/b/a POET Ethanol Products (“Poet Ethanol Products”), POET Nutrition, Inc., (“Poet Nutrition”), and Cargill Incorporated (“Cargill”), (together “Complainants”) hereby reply to Defendant Union Pacific Railroad Company’s (“UP”) Motion to Dismiss First Amended Complaint or to Make Complaint More Definite (“Motion”).

As UP confirms in its Motion, the First Amended Complaint contains only one meaningful change from the original Complaint - the Association Complainants' withdrawal of

their request for reparations and damages on behalf of their members. As such, UP's Motion simply incorporated by reference UP's original Motion to Dismiss Complaint or to Make Complaint More Definite, filed April 20, 2015. Likewise, and for the same reasons (avoiding complicating the record with another lengthy reply), Complainants hereby incorporate by reference their Reply to UP's original motion, filed on June 1, 2015.

Complainants also note that UP urged the Board to act expeditiously on its original motion. Complainants concur that expeditious action on the Motion - which Complainants have urged should be its denial in all respects - is appropriate, as it will provide clarity on the issues that are in dispute, which will have the benefit in the short term of assisting the parties during the discovery phase of this case.

Respectfully submitted,



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June 10, 2015

CERTIFICATE OF SERVICE

I do hereby certify that on this 10th day of June, 2015, I have served a copy of the foregoing *Reply to Motion to Dismiss First Amended Complaint or to Make Complaint More Definite* via electronic mail and regular mail to counsel for Defendant at the following address:

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