

BEFORE THE  
SURFACE TRANSPORTATION BOARD

ENTERED  
Office of Proceedings  
August 28, 2012  
Part of  
Public Record

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CARGILL, INC. *et al.*

Complainants,

v.

ABERDEEN AND ROCKFISH RAILROAD  
COMPANY, *et al.*

Defendants.

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Docket No. NOR-42117

**STATUS REPORT**

Pursuant to the Board's Order served on June 29, 2012 in the above-captioned docket, the Complainants hereby submit this Status Report. On June 22, 2012, Complainants filed an unopposed "Motion to Hold Proceeding Abeyance," in which they informed the Board that they had reached an agreement in principal to settle their disputes in this proceeding with the "AAR Defendants," and asked the Board to hold the proceeding in abeyance while they formalized their settlement.<sup>1</sup> Although Complainants and the AAR Defendants have exchanged draft agreements, they have not yet finalized the terms of their settlement. The AAR Defendants have authorized Complainants to express their concurrence in this Status Report.

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<sup>1</sup> The "AAR Defendants" are the Association of American Railroads; Railinc, Corp; BNSF Railway Co.; Buffalo & Pittsburgh Railroad, Inc.; Canadian National Railway Co.; Canadian Pacific Railway Co.; CSX Transportation, Inc.; Gary Railway Co.; Norfolk Southern Railway Co.; Rochester & Southern Railroad, Inc.; The Kansas City Southern Railway Co.; and Union Pacific Railroad Co.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Moreno', is written over a horizontal line.

Jeffrey O. Moreno  
Nicholas J. DiMichael  
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August 28, 2012

## CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Status Report to be served this 28th day of August 2012:

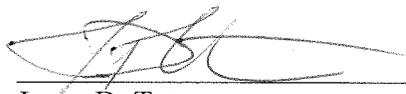
1. By email:

<p>David T. Ralston Foley &amp; Lardner LLP 3000 K Street, N.W. Sixth Floor Washington, DC 20007-5109 dralston@foley.com <i>Counsel For Cedar Rapids and Iowa City Railway Co.</i></p>	<p>Michael Rosenthal Covington &amp; Burling LLP 1201 Pennsylvania Avenue, N.W. Washington, DC 20004-2401 mrosenthal@cov.com <i>Counsel For Association of American Railroads Railinc, Corp. BNSF Railway Co. Canadian National Railway Co. Canadian Pacific Railway Co. CSX Transportation, Inc. Gary Railway Co. Norfolk Southern Railway Co. The Kansas City Southern Railway Co. Union Pacific Railroad Co.</i></p>
<p>Eric M. Hocky Thorp Reed &amp; Armstrong, LLP 2005 Market Street, Suite 1000 Philadelphia, PA 19103-7041 ehocky@thorpreed.com <i>Counsel for: Aberdeen and Rockfish Railroad Co., and New York, Susquehanna and Western Railway Corp.</i></p>	<p>Andy Goldstein McCarthy, Sweeney and Harkaway, P.C. 2175 K Street, N.W. Suite 600 Washington, DC 20037 apg@mshpc.com <i>Counsel for: North American Freight Car Association</i></p>
<p>Mark H. Sidman Rose-Michele Nardi Weiner Brodsky Sidman Kider PC 1300 19th Street, N.W. – Fifth Floor Washington, DC 20036 sidman@wbsk.com nardi@wbsk.com <i>Attorneys for: Central Washington Railroad Company Montana Rail Link, Inc.</i></p>	<p>Louis E. Gitomer The Adams Building, Suite 301 600 Baltimore Avenue Townson, Maryland 21204-4022 lou_gitomer@verizon.net <i>Attorney for: Indiana and Ohio Railway Company</i></p>

<p>Robert B. Burns  Pan Am Railways  1700 Iron Horse Park  North Billerica, MA 01862  rburns@panamrailways.com  <i>Attorney for: Boston and Maine Corporation  Maine Central Railroad Company  Pan Am Railways, Inc.  Portland Terminal Company  Springfield Terminal Railway Co.</i></p>	
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2. The following parties have been served by first class mail:

<p>Cindy Sanborn  President  Baltimore and Ohio Chicago Terminal  Railroad Company  c/o CSX Transportation Inc.  500 Water Street  Jacksonville, FL 32202</p>	<p>Daniel R. Sabin  President  Iowa Northern Railway  122 North 2nd Street  P.O. Box 640  Greene, IA 50636</p>
<p>Elgin, Joliet and Eastern Railway Company  c/o Sean Finn  Executive Vice President  Corporate Services, and Chief Legal Officer  Canadian National Railway  935 de La Gauchetiere St.  West, Montreal, QC H3B 2M9</p>	<p>David Collins  200 Meridian Centre Blvd; Suite 300  Rochester, New York 14618  <i>For Buffalo and Pittsburg Railroad Inc.  Rochester and Southern Railroad, Inc.</i></p>


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Jason D. Tutrone