

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

233576  
ENTERED  
Office of Proceedings  
December 21, 2012  
Part of  
Public Record

\_\_\_\_\_  
M & G POLYMERS USA, LLC )

Complainant, )

v. )

CSX TRANSPORTATION, INC. )

Defendant. )  
\_\_\_\_\_

**Docket No. NOR 42123**

**JOINT MOTION FOR STAY AND  
TO HOLD PROCEEDING IN ABEYANCE**

M&G Polymers USA, LLC (“M&G”) and CSX Transportation, Inc. (“CSXT”) hereby jointly move that the Surface Transportation Board (“Board” or “STB”) hold the above-captioned proceeding in abeyance, and stay all action in this matter. M&G and CSXT have reached tentative agreement on the material terms of a settlement to resolve this litigation, but further time is needed to finalize the details of the proposed settlement. The parties believe that they will be able to come to a final resolution of the details of such a settlement in a relatively short period of time. Hence, the parties respectfully request that the Board order a temporary stay in this proceeding to allow the parties sufficient opportunity to finalize and document the proposed settlement.

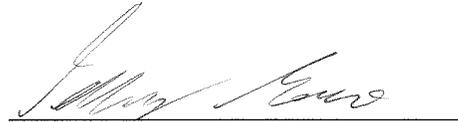
The parties’ request for temporary stay of this proceeding is consistent with Board practice in prior cases. See, e.g., Texas Municipal Power Agency v. The Burlington Northern and Santa Fe Railway Company, STB Docket No. 42056 (served Dec. 7, 2012). The requested stay will facilitate a private resolution of this dispute and will not prejudice either party.

Therefore, M&G and CSXT jointly request that the Board temporarily hold this proceeding in abeyance and stay all action until further request by either party.

Respectfully submitted,

 *G. Paul Moates* <sup>12/21/12</sup>

G. Paul Moates  
Paul A. Hemmersbaugh  
Sidley Austin LLP  
1501 K Street N.W.  
Washington, D.C. 20005  
(202) 736-8000

 *Jeffrey O. Moreno*

Jeffrey O. Moreno  
David E. Benz  
Thompson Hine LLP  
1919 N Street, N.W., Suite 700  
Washington, D.C. 20036  
(202) 331-8800

December 21, 2012