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** OF COUNSEL

March 24, 2010

BY E-FILING

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

**ENTERED
Office of Proceedings**

MAR 24 2010

**Part of
Public Record**

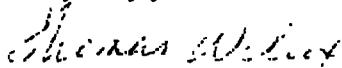
Re: STB Docket NOR 42115, *US Magnesium, L.L.C. v. Union Pacific Railroad Company*

Dear Ms. Brown:

Attached for e-filing in the referenced docket is a Motion to Dismiss with prejudice submitted by the Complainant in this case.

Thank you for your assistance. Please contact me if you have any questions.

Very truly yours,



Thomas W. Wilcox
Counsel for US Magnesium, L.L.C.

Enclosure

cc: Michael L. Rosenthal, Esq. (counsel for Defendant)

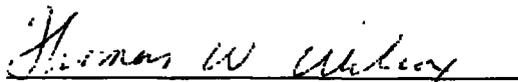
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

US MAGNESIUM, L.L.C.)	
)	
Complainant,)	
)	
v.)	Docket No. NOR 42115
)	
UNION PACIFIC RAILROAD COMPANY)	
)	
Defendant.)	

MOTION TO DISMISS

Complainant, US Magnesium, L.L.C. ("USM"), has reached a voluntary settlement with Defendant, Union Pacific Railroad Company ("UP"), of the matters at issue in this proceeding. Accordingly, USM hereby withdraws its complaint with prejudice, and requests that the Board enter an order dismissing the complaint with prejudice and discontinuing this proceeding.

Respectfully submitted,



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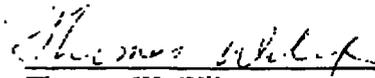
Counsel for US Magnesium, L.L.C.

March 24, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2010, I served a copy of the foregoing Motion to Dismiss by e-mail and first class mail, postage prepaid, upon counsel for Defendant at the following address:

Linda J. Morgan
Michael L. Rosenthal
Covington and Burling, LLC
1201 Pennsylvania Avenue, NW
Washington, DC 20004



Thomas W. Wilcox