

EXPEDITED CONSIDERATION REQUESTED

227263

BEFORE THE

SURFACE TRANSPORTATION BOARD

_____)
CARGILL, INC., <i>et al.</i>)
)
Complainants,)
)
v.)
)
ABERDEEN AND ROCKFISH RAILROAD)
COMPANY, <i>et al.</i>)
)
Defendants.)
_____)

Docket No. NOR-42117

ENTERED
Office of Proceedings

JUN 10 2010

Part of
Public Record

MOTION TO EXTEND MEDIATION PERIOD

In a decision released in this docket on June 8, 2010, the Board established a 30 day mediation period to begin upon appointment of a mediator, which the Board stated would occur within 5 days of its decision. Complainants, Cargill, Inc., E.I. du Pont de Nemours and Company, ExxonMobil Corporation, Jones-Hamilton Co., PPG Industries, Inc., Reagent Chemical and Research Inc., and Taminco Methylamines, Inc., hereby move to extend the mediation period provided by the Board from 30 days to 60 days. **Complainants request expedited consideration of this motion.**

In support of this motion, the Complainants state the following:

1. Counsel for Complainants will be out of the country for a two week period from June 13-26, and thus will be unable to prepare for, or participate in, the mediation process during that time. By the time Complainants' counsel returns to the United States, over half the mediation period will have passed. Complainants originally filed their Petition for Mediation over four months ago, on January 29, 2010, with the expectation that any mediation would be concluded by the present time.
2. Although Complainants originally requested a 30-day mediation period, our experience to date in trying to coordinate the schedules of multiple parties in this proceeding suggests that 30 days may be an unrealistically short period in which to conduct this mediation.
3. Because we are entering the peak vacation season, it may be more difficult to coordinate the schedules of all the parties for mediation within a 30-day window.

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Complainants' counsel has consulted with counsel for the "AAR Defendants;"¹ Aberdeen and Rockfish Railroad Company; Cedar Rapids and Iowa City Railway Company; Central Washington Railroad; Indiana and Ohio Railway Company; Montana Rail Link; New York, Susquehanna and Western Railway Corp.; and Pan Am Railways Group, and has been informed that they do not object to this motion. Due to the very short time before Complainants' counsel is scheduled to leave the country, we have not been able to contact all of the defendants' counsel prior to filing this motion. No defendant that we have contacted, however, has objected.

WHEREFORE, for the foregoing reasons, Complainants respectfully request that the Board extend the mediation period by an additional 30 days, for a total of 60 days.

Respectfully submitted,



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June 10, 2010

¹ 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.

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CERTIFICATE OF SERVICE

I hereby certify that I have caused the Joint Motion to Extend the Initial Mediation Period to be served this 10 day of June 2010:

1. By email:

<p>Robert Vom Eigen Foley & Lardner LLP 3000 K Street, N.W. Sixth Floor Washington, DC 20007-5109 <i>Counsel For Cedar Rapids and Iowa City Railway Co.</i></p>	<p>Michael Rosenthal Covington & Burling LLP 1201 Pennsylvania Avenue, N.W. Washington, DC 20004-2401 <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 & Armstrong, LLP 2005 Market Street, Suite 1000 Philadelphia, PA 19103-7041 <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 <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 <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 <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 <i>Attorney for: Boston and Maine Corporation Maine Central Railroad Company</i></p>	

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<i>Pan Am Railways, Inc.</i> <i>Portland Terminal Company</i> <i>Springfield Terminal Railway Co.</i>	
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2. The following parties have been served by facsimile and first class mail:

Cindy Sanborn President Baltimore and Ohio Chicago Terminal Railroad Company c/o CSX Transportation Inc. 500 Water Street Jacksonville, FL 32202	Daniel R. Sabin President Iowa Northern Railway 122 North 2nd Street P.O. Box 640 Greene, IA 50636
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	David Collins Suite 200, 1200-C Scottsville Road Rochester, NY 14624 <i>For Buffalo and Pittsburg Railroad Inc.</i> <i>Rochester and Southern Railroad, Inc.</i>



Jeffrey O. Moreno