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ELLIS, PAINTER, RATTERREE & ADAMS LLP

228849

JASON C. PEDIGO
EMAIL JPEDIGO@EPRA-LAW.COM
DIRECT DIAL 912.231.6728
WWW.EPRA-LAW.COM

February 17, 2011

VIA ELECTRONIC FILING

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

Re: STB Docket No. 42118

Dear Acting Secretary Quinlan:

Attached for filing in the above-referenced docket is Brampton Enterprises, LLC d/b/a Savannah Re-Load's Update on Status of Related Litigation.

I remain,

Very truly yours,



Jason C. Pedigo

JCP/kdr

Attachment

cc(w/attachment): David L. Myer, Esq. (via email)
Karen E. Escalante, Esq. (via email)

BEFORE THE
SURFACE TRANSPORTATION BOARD

BRAMPTON ENTERPRISES, LLC)
D/B/A SAVANNAH RE-LOAD)
v.) Docket No. 42118
NORFOLK SOUTHERN RAILWAY)
COMPANY,)
)

**BRAMPTON ENTERPRISES, LLC D/B/A SAVANNAH RE-LOAD'S
UPDATE ON STATUS OF RELATED LITIGATION**

Complainant Brampton Enterprises, LLC writes to further advise the Board regarding developments in the pending federal court action that is related to its claims in this proceeding.

As previously set forth by Norfolk Southern Railway Company, ("NS"), in its earlier status reports, NS filed a Petition for Writ of Certiorari To The United States Court of Appeals for the Eleventh Circuit on April 6, 2010, seeking review of the Eleventh Circuit's decision in *Norfolk Southern Ry. v. Groves*. On January 18, 2011, the United States Supreme Court denied NS's petition (Exhibit A).

Given that the *Norfolk Southern Ry. v. Groves* matter is concluded, Brampton Enterprises respectfully submits that the pending Motion to Dismiss and joint proposed procedural schedule are ripe for determination by the Board.

Respectfully submitted, this 17th day of February, 2011.

ELLIS, PAINTER, RATTERREE & ADAMS LLP



Jason C. Pedigo, Esq.
Attorneys for Brampton Enterprises, LLC
d/b/a Savannah Re-Load

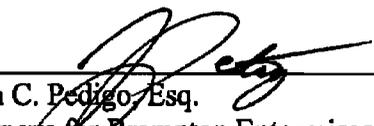
Post Office Box 9946
Savannah, Georgia 31412
Phone: (912) 233-9700
Fax: (912) 233-2281
Email: jpedigo@epra-law.com

CERTIFICATE OF SERVICE

I, Jason C. Pedigo, certify that on this date a copy of BRAMPTON ENTERPRISES, LLC D/B/A SAVANNAH RE-LOAD'S UPDATE ON STATUS OF RELATED LITIGATION, filed on February 15, 2011, was served by email on all parties of record, specifically:

David L. Myer, Esq.
Dmyer@MoFo.com
Karen E. Escalante, Esq.
Kescalante@MoFo.com
Morrison & Foerster Llp
2000 Pennsylvania Ave., Nw, Suite 6000
Washington, DC 20006

So certified this 17th day of February, 2011.



Jason C. Pedigo, Esq.
Attorneys for Brampton Enterprises, LLC
d/b/a Savannah Re-Load

Post Office Box 9946
Savannah, Georgia 31412
Phone: (912) 233-9700
Fax: (912) 233-2281
Email: jpedigo@epra-law.com

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

January 18, 2011

Mr. Paul W. Painter, Jr.
Ellis Painter Ratterree & Adams LLP
Post Office Box 9946
Savannah, GA 31412

Re: Norfolk Southern Railway Company
v. Billy Groves, Individually, dba Savannah Re-Load, et al.
No. 09-1212

Dear Mr. Painter:

The Court today entered the following order in the above-entitled case:

The motion of Association of American Railroads for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk