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September 21, 2020
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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DYNO NOBEL, INC., and
DYNO NOBEL LOUISIANA AMMONIA, LLC)

Complainants,)

v.)

NUSTAR PIPELINE OPERATING
PARTNERSHIP, L.P.)

Defendant.)

Docket No. NOR 42147

 GRANTED	DECISION ID NO.: <u>50454</u>
	DECIDED DATE: <u>9/30/2020</u>
	SERVED DATE: <u>10/01/2020</u>
	APPROVED: <u><i>Aimee D. ...</i></u> Director
Office of Proceedings ☐	

**UNOPPOSED MOTION TO VOLUNTARILY DISMISS
WITH PREJUDICE AND DISCONTINUE PROCEEDING**

Complainant Dyno Nobel, Inc. and Dyno Nobel Louisiana Ammonia, LLC

(“Dyno”) submit this Unopposed Motion, and in support hereto state as follows:

1. On June 30, 2016, Dyno filed its Complaint in this proceeding under 49 U.S.C. §§ 15901(b), 15501, and 15904, seeking a determination from the Board, relief, and monetary damages pertaining to certain actions and practices allegedly engaged in by Defendant NuStar Pipeline Operating Partnership, L.P. (“NuStar”). NuStar filed its Answer and a motion asking the Board to dismiss Dyno’s Complaint on July 20, 2016.

2. In decisions served in this docket on March 24, 2017 and on reconsideration on September 29, 2017 (collectively “Decisions”) the Board decided to hold the proceeding in abeyance pending resolution of certain state law questions.

3. The parties engaged in a lawsuit in the 408th Judicial District Court of Bexar County, Texas seeking a determination relating to state law issues that were the subject of the Board's Abeyance Decision ("State Court Action").

4. Prior to final resolution of the State Court Action, the parties entered into discussions and have recently reached a voluntary and confidential settlement of all of the matters at issue in this proceeding and in the State Court Action. Accordingly, and as a result of the parties' voluntary settlement, Dyno hereby withdraws its Complaint with prejudice, and requests that the Board enter an order dismissing Dyno's Complaint with prejudice, with each party to bear its own costs, and discontinue this proceeding.

5. Counsel for Dyno has consulted with counsel for NuStar and is authorized to represent NuStar's consent to this Motion. Dyno and NuStar request expedited consideration of the Motion.

WHEREFORE, for the reasons set forth above, Dyno requests that the Board enter an order dismissing Dyno's Complaint with prejudice, with each party to bear its own costs, and discontinue this proceeding.

DYNO NOBEL, INC. and
DYNO NOBEL LOUISIANA
AMMONIA, LLC

OF COUNSEL:

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Dated: September 20, 2020

By: /s/Peter A. Pfohl
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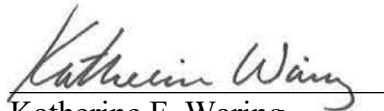
Attorneys for Complainants

CERTIFICATE OF SERVICE

I hereby certify that this 20th day of September, 2020, I caused a copy of the foregoing document to be served by U.S. First Class Mail or by more expeditious means on the following counsel for Defendant NuStar Pipeline Operating Partnership, L.P.:

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