

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

THOMAS J. HEALEY

(312) 252-1505
thealey@fletcher-sippel.com

302597

ENTERED
Office of Proceedings
June 25, 2021
Part of
Public Record

June 25, 2021

Via E-mail

The Honorable Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Lake Providence Port Commission – Feeder Line Application – Line of
Delta Southern Railroad Located in East Carroll and Madison Parishes, Louisiana
FD 36447

Dear Ms. Brown:

Pursuant to the Surface Transportation Board's June 1, 2021 order in this docket, Delta Southern Railroad, Inc. ("DSR"), on June 15, 2021, reported to the Board on the status of pending discovery matters, and advised of its willingness to participate in Board-sponsored mediation. In so doing, DSR advised that it would review materials that had yet to be produced by the so-called "Other Parties" – Lake Providence Port Commission, North Louisiana & Arkansas Railroad, and Southeast Arkansas Economic Development District, Inc. – and subsequently report on whether the Other Parties' production satisfied DSR.

On June 23, 2021, the Board granted the Other Parties' motion for issuance of a protective order, whereupon the Other Parties produced several hundred pages of documents ostensibly responsive to DSR's outstanding discovery requests. DSR is reviewing those documents, all of which the Other Parties have designated as "confidential" pursuant to the terms of the recently-issued protective order.

DSR believes that it will be able to report back to the Board by June 30, 2021, concerning whether discovery has been satisfactorily concluded on the basis of the documents the Other Parties recently have supplied, or if, instead, DSR intends to file a motion to compel

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

Ms. Cynthia T. Brown

June 25, 2021

p. 2

where the Other Parties' responses to discovery may be inadequate (one week after the confidential documents were produced).

Please let me know if you have any questions.

Very truly yours,

Thomas J. Healey

Thomas J. Healey
Attorney for Delta Southern Railroad, Inc.

TJH/dg

cc: All Parties of Record