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ENTERED
Office of Proceedings
August 17, 2021
Part of
Public Record

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August 17, 2021

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: **Docket No. FD 36380**
Atlas Land and Building Corporation and Atlas Materials Recycling
Corporation – Petition for Declaratory Order

Dear Ms. Brown:

Pursuant to a decision served in the referenced docket on August 17, 2020, the Board held this matter in abeyance pending judicial resolution of the parties' federal court property law dispute. Pursuant to Board order, the parties provided a status report on the court proceeding on February 17, 2021, and indicated that they would provide the next status report no later than August 17, 2021.

Please be advised that the federal court litigation remains pending. The parties have engaged in active settlement discussions with the assistance of a mediator since July 2020. A draft settlement agreement has been exchanged with input from the mediator, and the operative case management deadlines have been extended pending the parties' continued settlement negotiations. Discovery, including document production and depositions, is ongoing.

Based on this status, the parties respectfully request that the Board continue to hold this docket in abeyance, with a further status update to be provided by the parties within six months (no later than February 17, 2022). We will also provide the Board with a copy of any merits decision within ten days of its issuance by the court, as ordered in the August 17, 2020 decision.

Counsel for Atlas and counsel for CSX have consulted and concur in the contents of this status report.

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Please let me know if you have any questions.

Very truly yours,

Thomas J. Healey

Thomas J. Healey

Attorney for Atlas Land and Building Corporation
and Atlas Materials Recycling Corporation

TJH/tjh

cc: Counsel of Record for CSX Transportation, Inc.