

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
May 9, 2022
Part of
Public Record

**ATLAS LAND AND BUILDING CORPORATION AND
ATLAS MATERIALS RECYCLING CORPORATION
– PETITION FOR DECLARATORY ORDER –
INDUSTRY SPUR TRACK IN PITTSBURGH, PA**

STB FINANCE DOCKET NO. 36380

STIPULATION OF DISMISSAL

Atlas Land and Building Corporation and Atlas Materials Recycling Corporation (“Atlas”) and CSX Transportation, Inc. (“CSXT”) respectfully submit this Stipulation of Dismissal asking the Board to dismiss the Petition for Declaratory Order that Atlas filed on February 11, 2020 in the above-captioned docket. The parties have resolved all their differences, including related court litigation, and stipulate to the dismissal of the Petition for Declaratory Order with prejudice.

A copy of the dismissal order entered on April 28, 2022 by the U.S. District Court for the Western District of Pennsylvania in the related court litigation, Docket CIVIL NO.: 2:20-cv-00366-CRE, is attached.

 GRANTED Office of Proceedings	DECISION ID NO.: <u>51245</u>
	DECIDED DATE: <u>5/11/2022</u>
	SERVED DATE: <u>5/12/2022</u>
	APPROVED:  Acting Director
	☐

Respectfully submitted,

/s/ Thomas J. Litwiler

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Dated: May 9, 2022

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:20-cv-00366-CRE**

ATLAS LAND AND BUILDING CORPORATION v. CSX
TRANSPORTATION INC.

Assigned to: Magistrate Judge Cynthia Reed Eddy

Case in other court: Allegheny County, 20-02287

Cause: 28:1441 Notice of Removal – Breach of Contract

Date Filed: 03/13/2020

Date Terminated: 01/11/2022

Jury Demand: None

Nature of Suit: 230 Rent Lease &
Ejectment

Jurisdiction: Diversity

Date Filed	#	Docket Text
04/28/2022	52	ORDER approving <u>51</u> Stipulation of Dismissal filed by 23RD & WHARTON ASSOCIATES, L.P., ATLAS MATERIALS RECYCLING CORPORATION, ATLAS LAND AND BUILDING CORPORATION. IT IS HEREBY ORDERED that this matter is DISMISSED with prejudice, with each party to bear its own attorneys' fees and costs. Signed by Chief Magistrate Judge Cynthia Reed Eddy on 4/28/2022. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (cmc) (Entered: 04/28/2022)