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ENTERED
Office of Proceedings
May 30, 2023
Part of
Public Record

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May 30, 2023

By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: *Docket No. FD 36695, Petition for Declaratory Order and Injunctive
Relief – Rail Service to Pennsylvania Feed Mills and Other Facilities*

Dear Ms. Brown:

Attached hereto and filed on behalf of the The Wenger Group, Inc. and Esbensshade, Inc.¹ (“Petitioners”) is a Motion to Dismiss their Petition for Declaratory Order and Injunctive relief, due to the Petitioners and Amtrak finalizing their confidential agreement in principle. This letter and motion effectively moot the directive in the decision served in this proceeding on May 11, 2023 by the Director of the Office of Proceedings that Petitioners and Amtrak file a status report on the progress of their settlement negotiations by May 30, 2023.

Respectfully submitted,

/s/ Thomas W. Wilcox
Thomas W. Wilcox

Attorney for Kellogg Company.

¹ Esbensshade, Inc. is now known as Green Park HGE Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36695

**PETITION FOR DECLARATORY ORDER
AND INJUNCTIVE RELIEF – RAIL SERVICE TO PENNSYLVANIA
FEED MILLS & OTHER FACILITIES**

MOTION TO DISMISS

The Wenger Group, Inc. and Esbensshade, Inc.¹ (“Petitioners”) hereby move to dismiss the Petition for Declaratory Order and Injunctive Relief (“Petition”) they jointly filed in this docket on April 24, 2023. The Petitioners and the National Railroad Passenger Corporation (“Amtrak”) previously informed the Surface Transportation Board (“Board”) on May 10, 2023 that the parties had reached a confidential agreement in principle to settle their differences, and Petitioners hereby inform the Board that agreement has been finalized. Petitioners accordingly jointly ask this Board to dismiss their Petition with prejudice.

The undersigned is authorized to state that Amtrak joins in this motion and stipulates to dismissal of the Petition.

¹ Esbensshade, Inc. is now known as Green Park HGE Inc.

Respectfully submitted,

/s/ Thomas W. Wilcox

Thomas W. Wilcox

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Attorney for Petitioners

May 30, 2023

CERTIFICATE OF SERVICE

I hereby certify that, on this 30th day of May, 2023, a copy of the foregoing was served by email on all parties on the official Service List for Docket No. FD 36695.

/ss/ Thomas W. Wilcox