

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
January 12, 2024
Part of
Public Record

Sanimax USA LLC,	)	
	)	DOCKET NO. NOR 42171
Complainant,	)	
	)	
v.	)	
	)	
Union Pacific Railroad Company,	)	
	)	
Defendant.	)	

SECOND JOINT MOTION TO POSTPONE BRIEFING ON DAMAGES ARGUMENTS

Sanimax USA LLC (“Sanimax”) and Union Pacific Railroad Company (“UP”) jointly submit this request to postpone briefing on the parties’ damages arguments and evidence by an additional thirty (30) days. On December 15, 2023, the Surface Transportation Board (“the Board”) approved the parties’ first joint motion to postpone the briefing schedule directed by the Board’s decision on November 3, 2023, by thirty (30) days to permit the parties time for negotiations. The parties continue to conduct negotiations, and both Sanimax and UP believe that progress is being made that potentially could resolve the dispute. The parties believe that postponing the damages arguments and evidence briefing by an additional thirty (30) days will give the parties time to complete their negotiations and hopefully reach a resolution of this matter.

For the foregoing reason, Sanimax and UP respectfully request the Board postpone the briefing deadlines and propose the following schedule:

- Sanimax shall present its damages arguments and evidence by February 16, 2024.
- UP may respond to Sanimax’s damages arguments and evidence by March 18, 2024.¹

¹ March 18, 2024 is the first business following Sunday, March 17, 2024 (30 days from February 16, 2024).

Sanimax and UP will advise the Board promptly if they reach a resolution of their dispute.

Date filed: January 12, 2024

Respectfully submitted,

/s/ Richard F. Riley, Jr.

Richard F. Riley, Jr.
R. Nicholas Englund
Foley & Lardner LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington DC 20007-5109
Telephone 202.295.4712
Facsimile 202.672.5399
Email contact rriley@foley.com

William C. McCaughey
Foley & Lardner LLP
90 Park Ave, 37th Floor
New York, NY 10016
Telephone 212-338-3425

Attorneys for Complainant

/s/ Matthew J. Warren

Raymond A. Atkins, Esq.
Matthew J. Warren, Esq.
Morgan B. Lindsay, Esq.
Sidley Austin LLP
1501 K Street, N.W.
Washington DC 20005
ratkins @ sidley.com
mjwarren @ sidley.com
morgan.lindsay @ sidley.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2024, the foregoing Second Joint Motion to Postpone Briefing on Damages Arguments was served by email and first-class mail on Union Pacific's attorneys and on the Association of American Railroads at the following addresses:

Raymond A. Atkins, Esq.
Matthew J. Warren, Esq.
Morgan B. Lindsay, Esq.
Sidley Austin LLP
1501 K Street, N.W.
Washington DC 20005

ratkins @ sidley.com
mjwarren @ sidley.com
morgan.lindsay @ sidley.com

J. Frederick Miller Jr., Esq.
Association of American Railroads
425 3rd Street, S.W., Suite 1000
Washington DC 20024

fmler @ aar.org

/s/ Richard F. Riley, Jr.

Richard F. Riley, Jr.