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February 13, 2026
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Public Record

VIA E-FILING

February 13, 2026

Dear Judge Soulikias:

Lake Providence Port Commission (“LPPC”) and Complex Chemical Company, Inc., a non-party shipper, jointly file and hereby reply to the Motion for Issuance of a “Subpoena Duces Tecum to Complex Chemical Company, Inc. to Produce Documents” [sic] and accompanying “Omnibus Brief in Support of Motions for Issuance of Non-Party Subpoenas” (“Omnibus Brief”) filed by Delta Southern Railroad, Inc. (“DSR”) on February 9, 2026.

To begin with, LPPC objects to DSR’s misleading statement that LPPC “filed its Amended Application with verified statements from *purported* shippers.” (Omnibus Brief at 1, emphasis added). Every single one of LPPC’s non-party shipper witnesses has been adversely impacted by DSR’s owners since Mr. William Wainright acquired the former Lake Providence Branch Line (“Line”) from McGehee, AR to Tallulah, LA in 1999 and thereafter failed to maintain its tracks, which led to his decision to sever the entire Line on both sides of the Arkansas/Louisiana boundary. That step immediately prevented all shippers and potential shippers from being able to use rail service to move their products and other commodities over the Line either to the south of Milepost (“MP”) 471.0 near Lake Providence, LA or to the north from any point in Louisiana south of MP 491.0 near Madison Parish Port, LA.

DSR's claim of "purported shippers" is repudiated by the Board's Decision, served November 20, 2023 herein, in which the Board, after reviewing, *inter alia*, each of the Verified Statements from the non-party shipper witnesses that LPPC submitted, explicitly stated that DSR "has misdescribed" the PC&N standards. *Id.* at 6. The Board also noted that DSR had overlooked Board precedents in past feeder-line proceedings which demonstrate that the Board "looks to former, current and potential shippers when examining this prong of the PC&N test." (*Id.*). Furthermore, in footnote 14 of that Decision, the Board expressly referred to the Verified Statements of Sam Angel (Epstein Gin Co. and Epstein Transloading) (collectively, "the Epstein Companies") and the Verified Statement of Blake Livingston (Livingston Pecan & Metal, Inc ("Livingston Metal")).

On that same page, the Board identified Complex Chemical Company, Inc. ("Complex Chemical"), Terral River Service, Inc. ("Terral") and Hollybrook Warehouse, Inc. ("Hollybrook") as companies who were dissatisfied with DSR's service over "the inactive portion of DSR's Line" which they said had not been maintained and which was being used instead for storage. These claims rather ironically mirror the repeated claims made by DSR's then-attorneys that the 20-mile segment between MP 471.0 and MP 491.0 is "dormant, inactive, and long out of service" and that "[a]lthough DSR has engaged in discussions concerning renovation of the Line, DSR thus far has concluded that the desired track renovations as to the long-dormant Line are unjustified and

unwarranted.” Delta Southern Railroad, Inc.’s Motion to Dismiss Proceedings and Request to Hold Proceedings in Abeyance, filed March 2, 2021 herein, at 2.

The foregoing is telling in light of DSR’s assertion that “LPPC’s Amended Application is an attempt to leverage the Board’s power to force its desired economic project on DSR, not to remedy inadequate rail service.” Omnibus Brief at 2. Actually, LPPC is offering to assume the financial burden of restoring the entire Line between its interchange with Union Pacific Railroad at McGehee, AR and the point of interchange at Tallulah, LA with CPKC. Unlike DSR, which will not spend the \$11 million that it has claimed would be the cost of rehabilitating the 20-mile segment from MP 471.0 to MP 491.0) in the absence of a guaranteed return on its investment, the States of Louisiana and Arkansas have looked to the future in an attempt to secure the long-term economic development of the poorest parts of their States. DSR has no equivalent goal as it prolongs the instant proceeding to demand payment of more than the constitutional minimum value of the Line that Congress established when it adopted the feeder-line statutory provisions. When it decided to jump into the ongoing proceeding by acquiring DSR, DSR’s current owner (Patriot Rail) had to be aware (and must by law be presumed to be aware) of the financial consequences if LPPC were to prevail. In taking that step, Patriot (through DSR) also ignored the long-standing requirement that is imposed by 49 U.S.C. § 10742, which states (emphasis added) that rail carriers providing transportation subject to the Board “*shall provide reasonable, proper,*

and equal facilities that are within its power to provide for the interchange of traffic between ... its receptive line and a connecting line of another carrier”

If DSR is unwilling to commit to taking the necessary steps to comply with the foregoing provision, which dates back to the original Interstate Commerce Act of 1887, why should DSR be permitted to prolong this proceeding and burden a non-party shipper witness such as Complex, which currently ships over DSR’s portion of the Line from MP 491.0 to MP 498.44 with a subpoena duces tecum when the Board, in its Decision served November 20, 2023, pointedly found that “there is no indication in the present record that any on-line or overhead shipper currently considers DSR’s service adequate.”¹ Id. 10. As evidenced by the Board’s thorough examination of each of the non-party shippers’ Verified Statements in rendering its Decision served November 20, 2023 (at 7-11), the Board not only did not reject any of the Verified Statements that LPPC submitted to support its Amended Application, but instead accepted those Verified Statements, including from the non-party shipper witnesses.

Furthermore, the Board’s regulations recognize that any person from whom discovery is sought may be protected when the discovery, in addition to being unduly burdensome, is untimely. In this instance, if DSR, following the issuance of the Board’s November 20, 2023 Decision, or for that matter the filing of the Amended Application on January 4, 2023, over three years ago,

¹ LPPC believes the same is true of the other non-party shipper witnesses, but they have chosen not to object to the deposition subpoenas for them.

considered any of the non-party witnesses merely “purported” shippers, it should have immediately sought depositions from those witnesses to support its unsupported Motion to Reject instead of waiting two-three years to focus on the non-party witnesses who have testified that it is in their best interests to have an owner that will maintain the Line to FRA Class 2 status and, in the long run, will attract additional shippers and economic growth to the region.

LPPC also relies on the Board’s Decision, released June 1, 2021 herein, in which the Board rejected DSR’s claim that it would be prejudiced by being unable to seek discovery from the Madison Parish Port Commission (“MPPC”). The Board summarily rejected DSR’s pleas (at 6) because “DSR could have sought discovery from MPPC (as it did from NLA) but chose not to do so and instead sought discovery from the other Project partners (LPPC, SEAEDD, and NLA).” At that time, DSR’s delay in seeking discovery from MPPC was less than four months, not the more than three years that have gone by since LPPC filed its Amended Application on January 4, 2023.

Here of course, while DSR has flooded LPP, Southeast Arkansas Economic Development District (“SEAEDD”) and NLA with repeated rounds of discovery requests, it never sought discovery of any kind from the non-party shippers until October 2025. That it did not do so earlier in this proceeding was a deliberate decision. On January 13, 2023, DSR filed herein its “Motion to Reject Lake Providence Port Commission’s Incomplete Feeder Line Application and for Action to Terminate this Proceeding.” To support its argument that the Amended Application was incomplete because LPPC failed to plead inadequate

service to a majority of shippers, DSR attacked the credibility of *all* of the non-party shipper witnesses who filed Verified Statements. This attack was intended to discredit the shippers' claims that DSR's service was inadequate and failed to satisfy their need for rail service.

Thereafter, DSR made no attempt to renew its attack on the supporting shippers until October 2025. Based on the misleading and erroneous claim that it had been unable to complete its discovery against *other parties* when the proceeding was placed in abeyance on August 24, 2024,² DSR, on October 13, 2025, sent transmittal letters with written discovery requests to some of the non-party shipper witnesses, including Mr. Jerry Melton, President of Complex Chemical who is not an attorney.³ Those letters erroneously claimed that, *because they were parties to the proceeding*, they were required to respond to interrogatories and requests for production of documents. The letters went on

² DSR's second and third rounds of written discovery requests (interrogatories and requests for production of documents) to LPPC, NLA, and the Southeast Arkansas Economic Development District had been responded to by that time, and those responses were supplemented by those parties in response to the order of ALJ McCarthy. Following supplementation, DSR did not move to compel further responses, but instead did a U-turn and moved to dismiss the Amended Application without relying on any of the extensive and burdensome discovery it had propounded on LPPC, NLA, and SEAEDD.

³ See Exhibits to DSR's Motion to Compel, filed November 19, 2025, including Exhibit B, the transmittal letter to Mr. Melton of Complex Chemical, which stated (emphasis added): "Attached please find discovery requests served on your company by Delta Southern Railroad ('DSRR') in the above-captioned legal action before the United States Surface Transportation Board. DSRR regrets that it has become necessary to serve these requests upon you given our two companies outstanding relationship. This discovery is served on you as a *party* that filed a verified statement in this proceeding. If the answers to interrogatory numbers 2 and 5 are "no", we can work with you to simplify the document requests."

to state that, if the non-party shipper witness were to answer Interrogatory 2 by stating that DSR's service was adequate, and provide a similar response to Interrogatory 5, that DSR would work with them to simplify the document requests. On October 22, DSR followed up with an identical letter addressed to Mr. Robert Amacker of Hollybrook.

When that tactic failed, DSR finally chose to exercise what DSR had threatened to do in 2023,⁴ by filing its November 19, 2025 Motion to Strike the non-party shipper Verified Statements or in the alternative to Compel written discovery responses from them (or obtain subpoenas duces tecum). It is clear that DSR is using discovery as a tactic, to try to coerce statements that are contrary to the witnesses' Verified Statements, by misleading telling them that they are "parties" subject to the Board's written discovery rules.

Without question, the Board, in its Decision served November 20, 2023 herein, decided that DSR's claims concerning the Verified Statement for Mr. Melton of Complex Chemical, as well as the Verified Statements from the other non-party shipper witnesses such Mr. Angel of the Epstein Companies, Mr. Amacker of Hollybrook, Mr. Livingston of Livingston Metal, and Mr. Morton of Terral, lacked merit. Furthermore, the Board rejected DSR's arguments that the Verified Statements from Mr. Angel of the Epstein Companies and Mr. Livingston of Livingston Metal should be disregarded because they are not

⁴ At footnote 5 of its Motion to Reject filed January 13, 2023 herein, DSR stated "that if this case is permitted to move forward, it regrets that it will likely have to depose many, if not all, of those whose verified statement was appended to LPPC's Amended Application."

located on the Line, as defined by DSR. As the Board noted, DSR's position was based on an erroneous description of the Board's precedents and that "no service is, *a fortiori*, an inadequate level of service," citing *PSI Energy, Inc.—Feeder Line Dev.—Norfolk S. Corp. Line Between Cynthiana & Carol, Ind.*, 7 I.C.C.2d 227, 231 n.13 (1991). Decision at 7. Any challenge by DSR to those Decisions would be barred under the "law of the case" doctrine.

Although the other non-party shippers have not chosen to object to DSR's subpoenas, Complex Chemical respectfully submits that DSR's Motion for Issuance of Subpoena Duces Tecum to Complex Chemical and its accompanying Omnibus Brief (collectively "Motion") should be denied for any one or more of the following: it is untimely; DSR does not dispute Complex Chemical's Verified Statement, it is not brought in good faith, it is defective procedurally, or it is defective substantively, or for any combination thereof. The Complex Subpoena attached to the Motion is a subpoena duces tecum and not a subpoena ad testificandum.

Complex Chemical's Verified Statement executed by Jerry Melton, President, on November 11, 2022 ("Verified Statement"), is attached to LPPC's Amended Application filed January 4, 2023 ("Amended Application"). Discovery issues arose between the parties shortly after the filing of the Amended Application, on January 13, 2023, when DSR filed a Motion to Reject the

Amended Application.⁵ Since the filing of the Amended Application it has been three (3) years and DSR has not sought to depose Complex Chemical.

Board Findings of Verified Evidence.

The Board found in its Decision service November 20, 202 (at 7) that DSR does not dispute the verified evidence set forth in Complex Chemical's Verified Statement. These finding include:

- Descriptions of multiple instances in which DSR has refused to accept cars at interchange or pursue business opportunities;
- Evidence that freight rail service has been impeded over the inactive portion of the Line (between MP 471.0 and 491.0) since 2017;
- DSR's owners actively discouraged providing service over the inactive portion of the Line;
- that DSR's owners resisted undertaking needed repairs so that DSR could instead use that portion of the Line for a railcar storage business;
- Complex Chemical is a shipper currently located on the DSR Line; and
- Complex Chemical has expressed dissatisfaction that its freight has not been and cannot be transported safely and reliably over the inactive portion of DSR's Line which DSR has refused to maintain and uses for car storage.

The Board further found that DSR's argument that Complex Chemical's Verified Statement failed to support a finding of service in adequacy lacked merit. *Id.*

In accordance with the findings of the Board, DSR's Motion seeks evidence from Complex Chemical that is not in dispute by DSR. DSR was found not to have disputed the verified evidence set forth in Complex Chemical's Verified Statement. Therefore, DSR's Motion should be denied. For the reasons

⁵ Delta Southern Railroad Inc.'s Motion to Reject Lake Providence Port Commission's Incomplete Feeder Line Application and for Action to Terminate This Proceeding dated January 13, 2023.

set forth above, Complex Chemical respectfully requests and submits that DSR's Motion should be denied.

DSR's Lack of Good Faith.

Until receipt by non-party Complex Chemical of the October 13, 2025, letter discussed in the subsequent paragraphs below, DSR's discovery has been limited to only the parties herein, LPPC, NLA, and SEAEDD. *See Generally, DSR's Reply in Opposition to Emergency Motion for Ruling by ALJ McCarthy.*² ALJ McCarthy ordered that DSR is entitled to take discovery from the other parties, LPPC, NLA, and SEAEDD. *Order* at p. 3.⁶ The said Order does not address or relate to discovery of other persons. The entirety of the discovery dispute was solely between DSR and the other parties, LPPC, NLA, and SEAEDD. Thereafter, DSR continued seeking discovery solely from LPPC, NLA, and SEAEDD⁷ when discovery between the parties was then held in abeyance by the Board⁸ until the Board removed this proceeding from abeyance in its *Decision* served September 25, 2025.

In its Decision served September 25, 2025, the Board directed "LPPC and DSR to meet and confer and submit to the Board by October 9, 2025 a proposed procedural schedule that took into account a reasonable period of

⁶ Delta Southern Railroad, Inc.'s Reply in Opposition to Emergency Motion for Ruling by ALJ McCarthy or, in the Alternative, for Referral by ALJ McCarthy to the Board, on the Scope of Discovery Permitted at this Time Under the Board's Decisions Dated November 20, 2023 and December 11, 2023 dated April 1, 2024.

⁷ Delta Southern Railroad Inc.'s Motion to Dismiss and for Attorney's Fees – Expedited Consideration Requested dated June 27, 2024.

⁸ Decision decided August 2, 2024.

time for DSR to complete discovery.” *Id.* at 8. The Board’s directive in its Decision on September 25, 2025, was limited to and addressed specifically the only discovery that DSR had brought against LPPC, NLA, and SEAEDD. (Those parties had completed all responses to discovery outstanding at that point.)

However, shortly after this proceeding was removed from abeyance, Jerry Melton, President of Complex Chemical, received a letter dated October 13, 2025, from John Scheib, Esq. on behalf of DSR, stating that discovery, consisting of interrogatories and request for production of documents, “is served on you as a **party**.” Attached hereto as Exhibit A is a copy of the letter Mr. Melton received from Mr. Scheib. Your Honor found Complex Chemical not to be a party. *Decision* served December 31, 2025.

DSR has known since it filed its Motion to Reject the Amended Application “that it will likely have to depose many, if not all, of those whose verified statement was appended to LPPC’s Amended Application.” January 13, 2023 *DSR Motion to Reject the Amended Application* at 11 n.5. However, instead of taking depositions, DSR wrongfully served non-party Complex Chemical with interrogatories and requests for production of documents claiming it was a party.

It is perplexing that DSR would attempt to mislead Complex Chemical to think it was a party in order to request said discovery when DSR knowingly could have requested similar discovery by a subpoena ad testificandum or a deposition subpoena duces tecum but for the fact that DSR believed discovery

of non-party Complex Chemical was no longer available or in an attempt to obtain discovery in excess of what is allowed from a non-party such as Complex Chemical. Whatever the reason, the course of action taken by DSR evidences a degree of subterfuge by DSR in its discovery process.

Accordingly, DSR's Motion is not brought in good faith. DSR's Motion has expansively evolved from its misrepresentation to Complex Chemical that it was a party. Had DSR requested a subpoena duces tecum or a subpoena ad testificandum with its October 13, 2025 letter Complex Chemical would have been then where we today, and four (4) months earlier, tens of thousands of dollars in legal fees and countless hours saved with respect to this proceeding. DSR's Motion should therefore be denied. For the reasons set forth above, Complex Chemical respectfully requests and submits that DSR's Motion should be denied.

DSR's Procedurally Defective Subpoena.

The Board's powers with respect to depositions and subpoena witnesses are found in 49 U.S.C. §§ 1321(d) and (c), respectively. In a proceeding, the Board may take the testimony of a **witness** by deposition **and** may order the **witness** to produce records. 49 U.S.C. § 1321(d)(1). (Emphasis added). A party to a proceeding pending before the Board may take the testimony of a **witness** by deposition **and** may require the **witness** to produce records at any time after a proceeding is at issue on petition and answer. *Id.* (emphasis added.)

Similarly, the Board may subpoena **witnesses and records** related to a proceeding of the Board from any place in the United States, to the designated

place of the proceeding.” 49 U.S.C. § 1321(c)(1). (Emphasis added). In a proceeding, the Board may take the testimony of a witness by **deposition and** may order the **witness** to produce records. 49 U.S.C. § 1321(c)(2). (Emphasis added).

DSR claims that a non-party person who is not a deposition witness to give testimony may be compelled by a subpoena duces tecum to produce records. Neither 49 U.S.C. § 1321(d) nor 49 U.S.C. § 1321(c) support DSR’s claims. Courts and agencies give effect to a statute’s plain meaning and when the words are unambiguous, judicial inquiry is complete and the statute means what it says. *Connecticut Nat’l Bank v. Germain*, 503 U.S. 249, 254 (1992). Since the word witnesses and the word records are connected by “and,” records are produced only by a witness giving testimony at a deposition or proceeding.

The Boards regulations are consistent with the preceding.⁹ The regulations also state that parties may take deposition testimony of any person. 49 CFR § 1114.21(a)(1). Accordingly, the parties are notified of the person to be deposed along with the name and address of the witness. 49 CFR §§ 1114.22(b)(1) and (2). There is no authority in these Regulations allowing for document production apart from the taking of deposition testimony.

49 CFR § 1113.2(b)(1) states that a request for a subpoena to compel the appearance of a **person** at a hearing to give oral testimony, but not produce documents, may be made either by letter or orally. (Emphasis added.) However, a request for a subpoena to compel a witness to produce

⁹ See 49 CFR §§ 1114 and 1113.

documentary **evidence** is made in writing by petition. 49 CFR § 1113.2(b)(2). A witness is described as a person to be deposed to give testimony. 49 CFR § 1114.22(b). Accordingly, only witnesses can be compelled by subpoena to produce documentary evidence. DSR has not requested a subpoena for non-party Complex Chemical to give oral testimony.

DSR's Motion for Issuance of Subpoena Duces Tecum is procedurally defective for seeking a subpoena to compel a person, non-party Complex Chemical, who is not a deposition witness, to produce documents; that is an evasion of Your Honor's ruling, in the Decision issued on January 16, 2026, that non-parties such as Complex Chemical may not be served with requests for production of documents as if they were a party. Therefore, DSR's Motion should be denied. For the reasons set forth above, Complex Chemical respectfully requests and submits that DSR's Motion should be denied.

DSR's Substantively Defective Subpoena.

DSR's Subpoena Duces Tecum to Complex Chemical is substantively defective. The requests set forth in the DSR's Subpoena Duces Tecum to Complex Chemical are overly broad in time and scope; unduly burdensome, requiring extensive time and effort to locate, review, and produce; seeking documents more readily available from DSR itself, a party; and overly broad in subject matter.

In the *Decision* served December 31, 2025, Your Honor found the Board's regulations provide parties with broad discovery. *Id.* at 2. Your honor also found "[t]hat discovery from non-parties, however, is different." *Id.*

A party submitting a petition seeking the issuance of a subpoena duces tecum must specify with particularity the books, papers or documents desired and facts expected to be proved, should show the general relevance and a reasonable scope of the evidence sought. DSR's Subpoena Duces Tecum which it request be issued to Complex Chemical does not satisfy the preceding requisites set forth in 49 C.F.R. § 1113.2(b)(2).

Every request in DSR's Subpoena Duces Tecum begins with "All documents" except for one which begins with "Any shipper surveys." There is no particularity, general relevance, or narrow scope in the word "all". Of the 8 requests, Nos.1, 2, 3, 4, 5, and 6 are all in the possession of DSR.

Complex Chemical has been using the southern 7 miles of the Line since before DSR's predecessor acquired the Line sometime in the late 1980s and the northern 20 miles of DSR's portion of the Line from MP 471.0 to MP 491.0 until 2017 when that 20-mile portion of the Line became unusable for safe rail service (except for one "Schnabel" car which uses multiple axles) and DSR refused to maintain the 20-mile portion of the Line and to provide adequate service to Complex Chemical. DSR's request for "all documents" between Complex Chemical and DSR is not a narrow more tailored request as alleged by DSR considering that the requests would encompass approximately 40 years. These requests are neither narrowly tailored to obtain relevant documents, nor are they proportional to the needs of this proceeding.

DSR's Motion for Issuance of Subpoena Duces Tecum is substantially procedurally defective. DSR is in possession of all requested documents

relevant and proportional to its discovery needs in these proceedings.

Therefore, DSR's Motion should be denied.

For the reasons set forth above, LPPC and Complex Chemical respectfully request and submit that DSR's Motion should be denied.

Respectively submitted,

Glover Alcorn "Russ" Russell (Counsel for Complex Chemical, Inc)

Richard H. Streeter and

Michael F. McBride (Counsel for Lake Providence Port Commission

Certificate of Service

I, Richard H. Streeter, certify that a true copy of the foregoing has been duly served on all counsel of record via email on February 13, 2026.

/s/ Richard H. Streeter



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October 13, 2025

VIA ELECTRONIC MAIL

Mr. Jerry J. Melton, President
Complex Chemical Company, Inc.
P.O. Box 1352
Tallulah, Louisiana
jmelton@complexchemical.com

Re: Finance Docket No. 36447, *Lake Providence Port Commission – Feeder Line Application – Line of Delta Southern Railroad Located in East Carroll and Madison Parishes, Louisiana.*

Mr. Melton :

Attached please find discovery requests served on your company by Delta Southern Railroad ("DSRR") in the above-captioned legal action before the United States Surface Transportation Board. DSRR regrets that it has become necessary to serve these requests upon you given our two companies outstanding relationship. This discovery is served on you as a party that filed a verified statement in this proceeding. If the answers to interrogatory numbers 2 and 5 are "no", we can work with you to simplify the document requests.

Sincerely,

/s/ John M. Scheib

John M. Scheib
Attorney for: Delta Southern Railroad, Inc.

cc: Noah P. Sullivan, Esq.
Richard H. Streeter, Esq.
Michael F. McBride, Esq.

Exhibit A

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

**LAKE PROVIDENCE PORT COMMISSION – FEEDER LINE APPLICATION – LINE
OF DELTA SOUTHERN RAILROAD LOCATED IN EAST CARROLL AND MADISON
PARISHES, LOUISIANA.**

**DELTA SOUTHERN RAILROAD INC.’S FIRST SET OF INTERROGATORIES AND
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO COMPLEX CHEMICAL COMPANY, INC.**

Delta Southern Railroad Inc. (“DSRR”), through counsel, hereby serves its First Set of Interrogatories and First Set of Requests for Production of Documents upon Complex Chemical Company, Inc. (“Complex”) in the above-captioned matter, pursuant to 49 C.F.R § 1114, *et seq.* Complex’s responses and any objections are due to be served on DSRR within 14 days of service of these discovery requests.

INSTRUCTIONS AND DEFINITIONS

1. “Document(s)” shall mean anything on or in which data or information is recorded or stored, including, but not limited to: writings or representations of every kind, correspondence, electronic mail and files, text messages, memoranda, notes, statements, paraphrases or summaries of statements, drawings, tabulations, charts, graphs, plans, maps, sketches, photographs, brochures, diaries, records, rules, regulations, summaries, reports, report forms, studies, papers, work papers, letters, books, notebooks, schedules, lists, worksheets, agreements, contracts, records of telephone calls or any other communications or conversations, telegrams, teletypes, radiograms, cables, discs, tapes or any other forms of mechanical recordings of all statements not reduced to writing, film, microfilm, computer printouts and computations potentially generated to summarize

information stored in computer storage by whatever means. The word "Document(s)" also includes, but is not limited to, all handwritten, typed, printed and photocopied matter, including all marginal notations and drafts, duplicates, carbon copies and any other copies thereof, all electronically stored documents such as information stored on computer drives, hard discs, diskettes, floppy discs, DVD, CD, memory sticks, any other means of electronic storage, and all information posted online such as information posted on social media or a blog, even if such information was later edited or deleted.

2. When asked to "describe" or "explain in detail" or "describe in detail" an act, occurrence, event, transaction or communication, the description or explanation should include, but is not limited to, the following:

- a. The date, time and place;
- b. The name of each person present, whether or not a participant;
- c. The explanation or description should reference underlying facts rather than ultimate facts or conclusions of fact or law.

3. If any of the information included in the answers to these interrogatories is not within the personal knowledge of the person certifying the answers to these interrogatories, so indicate in each instance where such information is included, and identify each person and/or document from whom/which such information was obtained.

4. The connectors "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests any information that might otherwise be construed to be outside the scope of the interrogatory or request.

5. "Identify" with respect to a document means set forth the following information, if known: a general description (e.g., letter, memorandum, report, etc.); a brief summary of its contents, or a description of the subject matter it concerns; the name and address of the persons, if any, who drafted, prepared, compiled or signed it; and any other descriptive information necessary in order to adequately describe it in a subpoena *duces tecum* or in a motion or request for production.

6. "Identify" with respect to a person means set forth the person's full name, last known home address and telephone number, cellphone number, email address, current occupation and position, the last known address and telephone number of the person's place of employment and his job title.

7. "Identify," when referring to any communication, means to state the date of the communication; the nature of the communication (oral, written, etc.); the identity of the parties to the communication; the subject matter of the communication; and the identity of any documents arising from, reflecting, recording, or relating to the communication.

8. The word "person" shall mean any individual, firm partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, and other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

9. The word "Including" shall mean "including but not limited to."

10. "Complex," "You," and "Your" shall mean Complex Chemical Company, Inc., and each of its agents, attorneys, accountants, consultants, officers, commissioners, employees, independent contractors, and any other individual or entity associated or affiliated with it or purporting to act on its behalf.

11. “DSRR” shall mean line-owner Delta Southern Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

12. “NLA” shall mean the North Louisiana and Arkansas Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

13. The “Line” means the portion from milepost (“MP”) 471.0 to MP 498.44 of the DSRR line that runs from Lake Providence, Louisiana (MP 47.0) to the point of interchange with the Kansas City Southern Railway Company (“KCS”) at Tallulah, Louisiana, which is the complete and only subject of the amended feeder line application filed on January 3, 2023.

14. The phrase “request for rail service” shall mean any request made to Complex Chemical that is specific to a commodity and date that Complex Chemical provided said rail service.

15. “Proceeding” shall mean Surface Transportation Board Docket No. FD 36447.

16. The interrogatories herein are to be answered under oath within thirty (30) days of service. The documents and things requested are to be produced within thirty (30) days of service at the offices of Gentry Locke, 919 E. Main St. Suite 1130, Richmond, VA 23219. You may produce documents electronically, via email to scheib@gentrylocke.com

17. These discovery requests are continuing, and you must supplement your responses if you obtain further or different information.

18. Unless otherwise specified in the Interrogatory or Request for Production of Documents, the time period for these requests is January 1, 2017 to the present.

INTERROGATORIES

INTERROGATORY NO. 1

Identify any and all persons who can bind Complex through his or her testimony in a legal proceeding.

INTERROGATORY NO. 2

Is it Complex's position the DSRR has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 3

If the answer to Interrogatory No. 2 is yes, identify all dates on which Complex made a request for rail service from DSRR from January 1, 2023 to present.

INTERROGATORY NO. 4

If the answer to Interrogatory No. 2 is yes, identify all dates on which Complex made a request for rail service from DSRR from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 5

Is it Complex's position the NLA has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 6

If the answer to Interrogatory No. 5 is yes, identify all dates on which Complex made a request for rail service from NLA from January 1, 2023 to present.

INTERROGATORY NO. 7

If the answer to Interrogatory No. 5 is yes, identify all dates on which Complex made a request for rail service from NLA from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 8

Identify all communications between Complex and DSRR regarding any failure of rail service by DSRR. For each communication identified, provide the date of the communication and names and titles of all participants to the communication.

INTERROGATORY NO. 9

Identify all communications between Complex and DSRR or NLA regarding any failure of rail service by NLA. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 10

Identify all communications between Complex and any third-party entity or person regarding this Proceeding, a feeder line application for any part of DSRR's rail line, or taking a rail line from

DSRR by any means. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 11

Identify all facts that support the statement in paragraph 3 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR has "refus[ed] to maintain its line between MP 471.0 and 491.0."

INTERROGATORY NO. 12

Identify all facts that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR is "refus[ing] to bear the cost of maintaining its own line."

INTERROGATORY NO. 13

Identify all facts that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR "excessively" blocks the entrance of the Port when "switching rental storage cars."

INTERROGATORY NO 14

Explain the basis for the statement in paragraph 7 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that "Complex Chemical has been the largest of DSRR's customers."

INTERROGATORY NO. 15

Explain the basis for the statement in paragraph 7 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that Complex Chemical has been "the major shipper on the direct line to UP at McGehee, Arkansas."

INTERROGATORY NO. 16

Are you aware of NLA interchanging railcars with DSRR since January 1, 2023, yes or no?

INTERROGATORY NO. 17

Have you ever had an attorney-client relationship with Richard H. Streeter? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

INTERROGATORY NO. 18

Have you ever had an attorney-client relationship with Michael F. McBride? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

REQUESTS FOR PRODUCTION OF DOCUMENTS ("RFPs")

RFP NO. 1

Produce all documents supporting your Answer to Interrogatory No. 2.

RFP NO. 2

Produce all documents supporting your Answer to Interrogatory No. 3.

RFP NO. 3

Produce all documents supporting your Answer to Interrogatory No. 4.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 5.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 6.

RFP NO. 5

Produce all documents supporting your Answer to Interrogatory No. 7.

RFP NO. 6

Produce all documents supporting your Answer to Interrogatory No. 8.

RFP NO. 7

Produce all documents supporting your Answer to Interrogatory No. 9.

RFP NO. 8

Produce all documents supporting your Answer to Interrogatory No. 10.

RFP NO. 9

Produce all documents supporting your Answer to Interrogatory No. 14, including records of all Complex rail shipments received or sent on DSRR from January 1, 1990 to present.

RFP NO. 10

Produce all documents supporting your Answer to Interrogatory No. 15, including records of all Complex rail shipments received or sent on DSRR from January 1, 1990 to present.

RFP NO. 11

Produce all documents and communications regarding any requests for support of Louisiana Senate Bill 146 or Louisiana Act 334, including but not limited to requests for letters to members of the Louisiana State Senate, the Louisiana State House of Representatives, the Governor of Louisiana, the Secretary of Transportation, the Louisiana Port Association, or the Louisiana Director of Ports.

RFP NO. 12

Produce all drafts of the verified statements filed in this Proceeding.

RFP NO. 13

Produce all communications regarding drafts of verified statements or affidavits mentioning DSRR whether filed in this Proceeding or not.

RFP NO. 14

Produce all documents that support the statement in paragraph 3 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR has "refus[ed] to maintain its line between MP 471.0 and 491.0."

RFP NO. 15

Produce all documents that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR is "refus[ing] to bear the cost of maintaining its own line."

RFP NO. 16

Produce all documents discussing Complex's choice to ship by rail or by truck, including but not limited to all cost analyses.

RFP NO. 17

Produce all documents that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR "excessively" blocks the entrance of the Port when "switching rental storage cars."

RFP NO. 18

Produce all documents discussing or analyzing Complex's options to ship by rail, including via various rail routes mentioned in paragraph 3 of Mr. Jerry J. Melton's verified statement, or by truck, including but not limited to all cost analyses.

RFP NO. 19

Produce all communications and documents discussing NLA service issues, including NLA derailments, failures to provide service, and delays in service.

RFP NO. 20

Produce all communications discussing or referencing this Proceeding or any legal action against or involving DSRR.

RFP NO. 21

Produce all documents supporting your Answer to Interrogatory No. 16.

Respectfully submitted,



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Dated: October 13, 2025.

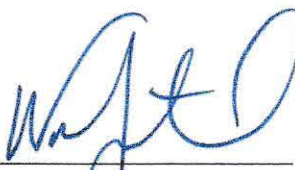
CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by email on the following:

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William L. Spotswood

Dated: October 13, 2025