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 GRANTED Office of Chief Counsel	DECISION ID NO.: <u>53130</u>
	DECIDED DATE: <u>7/06/2026</u>
	SERVED DATE: <u>7/06/2026</u>
	APPROVED: <u>[Signature]</u> Acting Chief Counsel
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ENTERED
Office of Chief Counsel
June 12, 2026
Part of
Public Record

June 12, 2026

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: VFRC, LLC v. Portland & Western Railroad, Inc. and Genesee & Wyoming Inc., STB
Docket No. NOR 42187

Dear Chief of Case Administration:

On May 8, 2026, VFRC, LLC ("VFRC") filed a Complaint against Portland & Western Railroad, Inc. ("PNWR") and Genesee & Wyoming Inc. ("G&W"). PNWR and G&W filed an Answer and a Motion to Dismiss the VFRC Complaint on May 28. Subsequently, on June 8, 2026, VFRC filed an Amended Complaint.

In light of the VFRC Amended Complaint, PNWR and G&W file this letter to withdraw the previously filed Motion to Dismiss without prejudice to filing a new motion to dismiss the Amended Complaint.¹

If you have any questions related to this filing, please let me know.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.
and Genesee & Wyoming Inc.

cc: Party of Record, Martin E. Hansen, Francis Hansen & Martin LLP

¹ Alternatively, PNWR and G&W file this letter withdrawing the Motion to Dismiss as a motion to withdraw without prejudice.