

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**UNION PACIFIC RAILROAD
COMPANY**

v.

**BNSF RAILWAY
COMPANY**

Docket No. NOR 42188

**UNION PACIFIC RAILROAD COMPANY'S
REPORT AND PROPOSED PROCEDURAL SCHEDULE**

Pursuant to 49 C.F.R. § 1111.11, Complainant Union Pacific Railroad Company ("Union Pacific") files this report on the parties' procedural conference and Union Pacific's proposed procedural schedule.

As required by § 1111.11, counsel for Union Pacific and Defendant BNSF Railway Company ("BNSF") conferred by teleconference on July 7, 2026 regarding the schedule for this proceeding and subsequently corresponded by email regarding the schedule, but could not come to an agreement. Union Pacific and BNSF thus agreed to file separate reports pursuant to § 1111.11(a).

Union Pacific respectfully requests that the Board adopt the following procedural schedule for this case:

September 25, 2026
October 23, 2026
November 23, 2026
December 23, 2026

Close of discovery
Union Pacific Opening Evidence due
BNSF Reply Evidence due
Union Pacific Rebuttal Evidence due

Union Pacific understands from the parties' conferral that BNSF may seek to hold the case in abeyance pending resolution of the Motion to Dismiss it filed on July 6, 2026. While reserving the right to respond to any motion for abeyance, Union Pacific submits that this case directly impacts interested third party shippers and should not be indefinitely delayed. Discovery is open pursuant to 49 C.F.R. § 1114.21(d), and it can and should proceed while the parties brief and the Board considers BNSF's Motion to Dismiss. Union Pacific's proposed schedule will allow the case to be fully briefed before the end of the year, giving the Board ample time to resolve it before the next harvest season, thereby minimizing further harm to affected grain shippers.

In the procedural conference, the Parties also conferred regarding an appropriate protective order for this case. Union Pacific will work with BNSF to submit a protective order for this proceeding.

Respectfully submitted,

/s/ Matthew J. Warren

Matthew J. Warren

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Dated: July 14, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Report and Proposed Procedural Schedule to be served electronically or by first-class mail on all parties of record in NOR 42188.

/s/ Matthew J. Warren
Matthew J. Warren