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Office of Chief Counsel
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Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

VFRC, LLC, an Oregon Limited Liability
Company, VENELL FARMS, INC., an
Oregon Business Corporation, ALBANY &
EASTERN RAILROAD COMPANY, an
Oregon Business Corporation,

Complainants,

v.

PORTLAND & WESTERN RAILROAD,
INC., a New York Corporation; GENESEE
& WYOMING, INC., a Delaware
Corporation, UNION PACIFIC
RAILROAD COMPANY, a Delaware
Corporation,

Defendants.

Docket No. NOR 42187

COMPLAINANTS' REPORT AND
PROPOSED PROCEDURAL SCHEDULE

Pursuant to 49 C.F.R. § 1111.11, Complainants file this report on the parties' procedural conference and Complainants' proposed procedural schedule.

As required by § 1111.11(a), counsel for Complainants, counsel for Defendants Portland & Western Railroad, Inc. ("PNWR") and Genesee & Wyoming, Inc. ("G&W"), and counsel for Defendant Union Pacific Railroad Company ("UP") conferred by teleconference on July 20, 2026. During this conferral, the parties discussed a schedule for discovery and procedural matters in this case. A mutual agreement on these matters could not be reached on the call.

Counsel for Complainants sent a proposed procedural schedule to counsel for Defendants via email on July 22, 2026. On July 24, 2026, Defendants rejected Complainants' proposal and

offered their own. Complainants disagreed with the proposed schedule provided by Defendants; therefore, the parties are filing separate reports pursuant to § 1111.11(a).

Complainants respectfully request that the Board adopt the following procedural schedule for this case:

August 3, 2026: Parties exchange Requests for Production of Documents

August 28, 2026: Responses to Requests and Documents due

September 14 – 30, 2026: Depositions

October 1, 2026: Discovery closes

November 1, 2026: Complainants' Opening Evidence due

December 1, 2026: Defendants' Reply Evidence due

January 2, 2027: Complainants' Rebuttal Evidence due

February 1, 2027: Final Briefs from all parties due

Complainants understand from the parties' conferral that Defendants wish to postpone discovery pending resolution of Defendants' PNWR and G&W's Joint Motion to Dismiss and Defendant UP's Motion to Dismiss, filed on June 29, 2026, and July 6, 2026, respectively.

Complainants have since filed timely Replies to both Motions. Complainants take the position that discovery should proceed while the Board considers the pending Motions to Dismiss, and that no further delay should be granted on behalf of Defendants.

This case arises from the collapse of the Marys River Bridge on the Bailey Branch line in Corvallis, Oregon more than 19 months ago—a bridge that Defendants are obligated to replace. The collapse completely severed Complainants and the other shippers on the line from the interstate rail network, causing substantial and ongoing harm to their businesses. As detailed in both the Amended Complaint and Complainants' Replies to Defendants' Motions to Dismiss, Defendants have engaged in a longstanding pattern of delay, deferral, and neglect on the Bailey

Branch, all at the expense of Complainants and the other shippers they are obligated to serve. Against that backdrop, Complainants are concerned that Defendants' efforts to delay discovery represent yet another attempt to postpone the reconstruction of the bridge, prolong the disruption of rail service, and evade their obligations to Complainants.

For these reasons, Complainants respectfully request that the Board adopt the above procedural schedule for this case.

DATED this 27th day of July, 2026

FRANCIS HANSEN & MARTIN LLP

/s/ Martin E. Hansen
Martin E. Hansen, OSB #800526
Attorney for Complainants

CERTIFICATE OF SERVICE

I certify on the 27th day of July, 2026, I served the foregoing **COMPLAINANTS' REPORT AND PROPOSED PROCEDURAL SCHEDULE** on the parties below by email:

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DATED this 27th day of July, 2026

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