

243727

NOR 42144, *et al*
(consolidated)

Complainants,

V.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

COMPLAINANTS' SEVENTH BI-WEEKLY STATUS REPORT

Pursuant to the Decision served in this case on March 3, 2017, the Complainants in this case hereby submit the following fourth report on the status of discovery in this case. The report follows the four categories of information listed in the Decision.

1. Progress Accomplished Since May 25, 2017

a. On May 26, 2017 POET Ethanol produced additional documents to UP in response to a letter received from UP counsel containing several discovery-related issues that arose from the depositions of POET Nutrition and POET Ethanol representatives. POET Ethanol and POET Nutrition will complete this supplemental production this week.

b. Cargill, Incorporated – On June 6, 2017, Cargill served its privilege log. Cargill has now completed its responses to all outstanding discovery requests.

On June 7, 2017, UP forwarded seven follow-up questions relating to Cargill's prior

productions of discovery materials. Cargill anticipates that it will respond to UP's follow-up questions by the week of June 12, 2017.

2. Outstanding Discovery Matters

Complainants' are reviewing UP's privilege log, which was received on May 17, 2017. Complainants' also remain concerned about the third party discovery sought by UP from the four tank car owners. Both concerns were discussed at the April 19, 2017 status conference before Judge Dring.

3. Participants' Plans to Address Outstanding Discovery

a. Cargill has completed its responses to all outstanding UP discovery requests. Cargill anticipates that it will respond to UP's follow-up questions by the week of June 12, 2017.

4. Estimated Time Required to Address Outstanding Discovery Concerns

a. Cargill, Incorporated – Please see Cargill's status update in Part 3(a) above.



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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2017, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or a more expeditious manner of delivery, on all of the parties of record in NOR 42144, *et al* (consolidated).

I also caused a copy of the foregoing document to be served by hand on Administrative Law Judge John P. Dring, Federal Energy Regulatory Commission Office of Administrative Law Judges, 888 First Street, N.E., Washington DC 20426.



Thomas W. Wilcox