

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CITY OF OZARK, ARKANSAS,
a municipal corporation

PLAINTIFF

V.

Case No. 2:14-CV-02196

UNION PACIFIC RAILROAD COMPANY

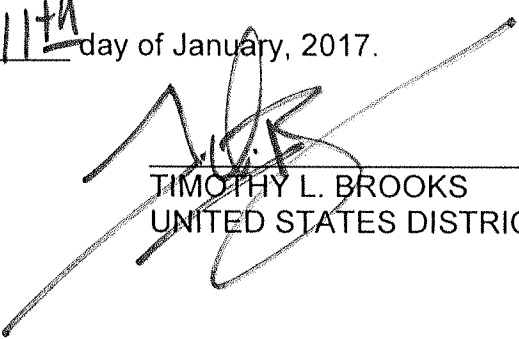
DEFENDANT

ORDER

In accordance with the December 19, 2016, Opinion and Judgment of the Court of Appeals, and now having received the formal Mandate, this Court finds that its December 10, 2015 Order (Doc. 71) was **REVERSED** and the Permanent Injunction has been **VACATED**.

In further accord with the Eighth Circuit's instructions, the City of Ozark shall have until **January 31, 2017**, to file a request with this Court for leave to petition the Surface Transportation Board (STB) for a declaratory order to resolve any issues concerning the STB's jurisdiction—including the primary issue of reopening the Crossing, as well as any other issues or alternative remedies that the City contends would not unreasonably interfere with railroad operations. If no such request is timely filed, the Court will make a final determination as to whether the City's now-once-again-pending claims are preempted.

IT IS SO ORDERED on this 11th day of January, 2017.


TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE