

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

OLIN CORPORATION,

Complainant,

V.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

STB Docket No. NOR 42164

RHONDA S. FERGUSON  
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DANIELLE E. BODE  
Union Pacific Railroad Company  
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July 29, 2019

|                                 |   |                          |
|---------------------------------|---|--------------------------|
|                                 | ) |                          |
| COLIN CORPORATION,              | ) |                          |
|                                 | ) |                          |
| Complainant,                    | ) |                          |
|                                 | ) |                          |
| v.                              | ) | STB Docket No. NOR 42164 |
|                                 | ) |                          |
| UNION PACIFIC RAILROAD COMPANY, | ) |                          |
|                                 | ) |                          |
| Defendant.                      | ) |                          |
|                                 | ) |                          |

The Board should deny Olin Corporation's motion to hold this proceeding in abeyance.<sup>1</sup> Instead, the Board should dismiss Olin's complaint for the reasons described in Union Pacific's Motion to Dismiss, which is being filed at the same time as this reply.

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<sup>1</sup> Union Pacific is filing this reply at this time out of an abundance of caution. Olin has not yet properly served its complaint because it has not yet sent a copy of its complaint “to the chief legal officer of each defendant either by confirmed facsimile and first-class mail or express overnight courier.” 49 C.F.R. § 1111.4. Instead, Olin sent a copy of its complaint to Union Pacific’s chief legal officer by first-class mail (but not by confirmed facsimile), as shown in the Certificate of Service accompanying Olin’s complaint.

Accordingly, Union Pacific is filing this reply without waiving arguments that Olin's service of its complaint was defective and failed to toll the statute of limitations.

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of July, 2019, I caused a copy of the foregoing document to be served by e-mail on counsel for all parties of record in NOR 42164.

/s/ Michael L. Rosenthal  
Michael L. Rosenthal