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February 6, 2019

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By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

ENTERED
Office of Proceedings
February 6, 2019
Part of
Public Record

Re: Docket No. NOR 42161, *Ameropan Oil Corporation v. Canadian National
Railway Company*

Dear Ms. Brown:

Hereby transmitted is a Petition for Leave to Amend the Complaint for filing with the
Board in the above referenced matter.

Very truly yours,



Thomas F. McFarland
Attorney for Complainant

TMcF:kl:\1827\efSTB1

cc: All parties of record

BEFORE THE
SURFACE TRANSPORTATION BOARD

AMEROPAN OIL CORPORATION,	)	
	)	
<u>Complainant,</u>	)	
v.	)	DOCKET NO.
	)	NOR 42161
CANADIAN NATIONAL RAILWAY	)	
COMPANY,	)	
	)	
<u>Defendant.</u>	)	

**PETITION FOR LEAVE TO AMEND THE COMPLAINT TO VOLUNTARILY
DISMISS CANADIAN NATIONAL RAILWAY COMPANY AS A DEFENDANT
AND TO NAME ILLINOIS CENTRAL RAILROAD COMPANY AS THE PROPER
PARTY DEFENDANT**

AMEROPAN OIL CORPORATION
3301 South California Avenue
Chicago, IL 60608

Complainant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
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Attorney for Complainant

DATE FILED: February 6, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

AMEROPAN OIL CORPORATION,	)	
	)	
<i>Complainant,</i>	)	
v.	)	DOCKET NO.
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COMPANY,	)	
	)	
<i>Defendant.</i>	)	

**PETITION FOR LEAVE TO AMEND THE COMPLAINT TO VOLUNTARILY
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PARTY DEFENDANT**

Pursuant to 49 C.F.R. § 1111.3(a) and 49 C.F.R. § 1117.1, Complainant, AMEROPAN OIL CORPORATION (AOC) hereby seeks leave to amend the Complaint that it filed in this proceeding on December 17, 2018 (“Complaint”) to (1) voluntarily dismiss CANADIAN NATIONAL RAILWAY COMPANY (CN) as defendant with prejudice and (2) to name CN’s wholly-owned subsidiary, ILLINOIS CENTRAL RAILROAD COMPANY (IC), as the proper party defendant in the proceeding.

ARGUMENT IN SUPPORT OF PETITION

The Complaint assails a recent reduction of rail service at AOC’s place of business in Chicago, IL from five to two days per week. AOC’s Chicago facility is served solely by IC. IC is a wholly-owned subsidiary of CN. AOC mistakenly named the parent CN as the defendant in the Complaint. This Petition is filed to rectify that mistake.

CN has filed a half-hearted request that CN be dismissed as a defendant in this case. (*See* the perfunctory single-paragraph request at page 7 of a Motion to Dismiss the Complaint on a different ground). AOC accedes to that request in asking for leave to amend the Complaint to voluntarily dismiss CN as a defendant.

There is no question that leave should be granted to amend the Complaint to name IC as the proper party defendant in the case, inasmuch as IC is clearly the real party in interest for having reduced rail service to AOC. IC itself has so acknowledged, having filed, solely in its own name, a Motion to Extend the Time to Answer the Complaint. (Motion to Extend Time to Answer dated January 28, 2019). IC also joined CN in filing a Motion to Dismiss the Complaint on a ground other than having failed to name the proper party. (See joint Motion to Dismiss, dated January 28, 2019).

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, leave should be granted for AOC to amend its Complaint to voluntarily dismiss the Complaint with prejudice as to CN and to name IC as the proper party defendant.

Respectfully submitted,



AMEROPAN OIL CORPORATION
3301 South California Avenue
Chicago, IL 60608

Complainant

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Attorney for Complainant

DATE FILED: February 6, 2019

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2019, I served a copy of this Petition for Leave to Amend the Complaint by e-mail and first-class, U.S. mail on the following:

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