

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

244976

**COLORADO WHEAT
ADMINISTRATIVE COMMITTEE,
COLORADO ASSOCIATION OF
WHEAT GROWERS, COLORADO
WHEAT RESEARCH FOUNDATION**

ENTERED
Office of Proceedings
January 12, 2018
Part of
Public Record

And

KCVN, LLC

vs.

Docket No. NOR 42140

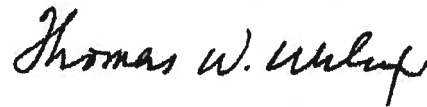
V&S RAILWAY, LLC

MOTION TO DISMISS COMPLAINT

The complainants in this proceeding: KCVN, LLC, the Colorado Wheat Administrative Committee, Colorado Association of Wheat Growers, and the Colorado Wheat Research Foundation, Commission (together "Complainants"), hereby request the Surface Transportation Board to dismiss their complaint against V&S Railway, LLC ("V&S"). The Complainants are pleased to inform the Board that they have resolved their disputes with V&S set forth in their complaint and in the record of this proceeding developed to date. Moreover, pursuant to the Board's decisions served in STB Docket FD 36005, *KCVN, LLC and Colorado Pacific Railroad Company – Feeder Line Application, Line of V AND S Railway, LLC in Crowley, Pueblo, Otero and Kiowa Counties, Colorado*, the Colorado Pacific Railroad Company, a wholly owned subsidiary of KCVN, LLC became the owner of the rail line at issue in this case on January 5, 2018.

One of the closing terms for the sale of the line at issue was dismissal of this action with prejudice. Accordingly, Complainants request that the Board dismiss their complaint with prejudice and discontinue this proceeding. The undersigned is authorized by V&S to represent to the Board that V&S does not oppose this motion.

Respectfully submitted,



Thomas W. Wilcox
Kristine Little
GKG Law, P.C.
1055 Thomas Jefferson Street NW
Suite 500
Washington, DC 20007
(202) 342-5248

Attorneys for KCVN, LLC



Terry Whiteside
Registered STB Practitioner
Whiteside & Associates
3203 Third Avenue North, Suite 301
Billings, MT 59101
(406) 245 – 5132

Representative for CWAC, CAWG, and CWRP

January 12, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January, 2018, a copy of the foregoing Motion to Dismiss Complaint was served by first class mail, postage pre-paid, to:

Eric M. Hocky
Clark Hill PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
Attorneys for V AND S Railway, LLC

Terry Whiteside
Registered STB Practitioner
Whiteside & Associates
3203 Third Avenue North, Suite 301
Billings, MT 59101

Whiteside & Associates
P.O. Box 20574
Billings, MT 59104-0574


Kristine Little