

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

243522

ENTERED
Office of Proceedings
May 25, 2017
Part of
Public Record

NORTH AMERICA FREIGHT CAR
ASSOCIATION; AMERICAN FUEL &
PETROCHEMICALS MANUFACTURERS;
THE CHLORINE INSTITUTE; THE
FERTILIZER INSTITUTE; AMERICAN
CHEMISTRY COUNCIL; ETHANOL
PRODUCTS, LLC D/B/A POET ETHANOL
PRODUCTS; POET NUTRITION, INC.; and
CARGILL INCORPORATED,

Complainants,

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

NOR 42144, *et al*
(consolidated)

COMPLAINANTS' SIXTH 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 11, 2017

a. POET Nutrition and POET Ethanol are in the process of formulating their respective responses to a letter received from UP counsel containing several discovery-related issues that arose from the depositions of POET Nutrition and POET Ethanol representatives.

b. Cargill, Incorporated – On May 19, 2017, Cargill served supplemental responses to UP's first and second set of discovery request and also produced responsive emails and other documents responsive to UP's discovery requests. Cargill has now

completed its responses to all outstanding discovery requests. Cargill anticipates that it will provide its privilege log by May 30, 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 and anticipates providing its privilege log by May 30, 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 25th day of May, 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