

BEFORE THE
SURFACE TRANSPORTATION BOARD

243511

CF INDUSTRIES SALES, LLC

Complainant,

v.

CANADIAN NATIONAL RAILWAY
COMPANY

Defendant.

ENTERED
Office of Proceedings
May 25, 2017
Part of

 GRANTED	Docket No. NOR 42151	Public Record
	DECISION ID NO.: 45857	
	DECIDED DATE: 5/26/17	
	SERVICE DATE: 5-26-17	
APPROVED: <i>Rachelle Campbell</i>		Director
Office of Proceedings ☐		

JOINT MOTION TO DEFER PROCEDURAL SCHEDULE

Complainant CF Industries Sales, LLC ("CF") and Canadian National Railway Company¹ ("CN") file this joint motion asking the Board to defer the procedural schedule in the above-captioned proceeding pending completion of the ongoing mediation. In support hereof, the parties respectfully state as follows:

1. The current procedural schedule² calls for discovery to end on May 30, 2017. Due to ongoing voluntary, Board-sponsored mediation,³ both parties have determined this deadline will not allow adequate time for discovery, particularly as both parties have refrained from propounding discovery to date during the pendency of the mediation.

¹ Canadian National Railway Company appears in this proceeding on behalf of itself and its United States rail carrier subsidiaries, Grand Trunk Western Railroad Company, Illinois Central Railroad Company, Chicago, Central & Pacific Railroad Company, Cedar River Railroad Company, Waterloo Railway Company, Wisconsin Central Ltd., Sault Ste. Marie Bridge Company, Wisconsin Chicago Link Ltd., Bessemer & Lake Erie Railroad Company, and The Pittsburgh and Conneaut Dock Company.

² Decision served Feb. 27, 2017.

³ See Decision served Feb. 6, 2017 (granting Board-sponsored mediation); Decision served April 5, 2017 (extending mediation for a period not to exceed 30 days); Decision served May 5, 2017 (extending mediation for a period not to exceed 30 days).

2. It is uncertain when the mediation may be concluded or whether it will result in any sort of settlement. Therefore, the parties believe it makes sense to defer the procedural schedule for now while the mediation continues, rather than proposing a modified schedule that may later need to be extended further.

3. If the pending mediation does not fully resolve the proceeding, the parties will, within five business days, confer and propose a new schedule to the Board. The parties expect that the new schedule will preserve the previous intervals, *i.e.*, ninety days for discovery, followed by CF's Opening Statement in sixty days, CN's Reply in sixty days, and CF's Rebuttal in thirty days, such dates to be subject to adjustment based on holidays, personal commitments, etc.

Wherefore, the parties respectfully request that the Board defer the procedural schedule in the above-captioned proceeding pending completion of the ongoing mediation.

Respectfully submitted,

CF INDUSTRIES SALES, LLC

CANADIAN NATIONAL RAILWAY
COMPANY

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Counsel for Defendant
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Dated: May 25, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have this 25th day of May, 2017, caused a copy of the foregoing filing to be served by U.S. Mail, postage prepaid or by more expedited means upon all counsel of record.

/s/ Katherine F. Waring
Katherine F. Waring
An Attorney for Complainant