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SEC

SERVICE DATE - DECEMBER 5, 1997

SURFACE TRANSPORTATION BOARD

DECISION

No. 41782¹

THE GILLETTE COMPANY

v.

ST. JOHNSBURY TRUCKING COMPANY, INC.

No. 41786

THOMAS INDUSTRIES, INC.

v.

ST. JOHNSBURY TRUCKING COMPANY, INC.

No. 41788

BROWN & WILLIAMSON TOBACCO CORPORATION

v.

ST. JOHNSBURY TRUCKING COMPANY, INC.

Decided: December 2, 1997

These proceedings arise out of the efforts of St. Johnsbury Trucking Company, Inc. (defendant) to collect undercharges for certain transportation services performed on behalf of The Gillette Company, Thomas Industries, Inc., and Brown & Williamson Tobacco Corporation (complainants). These matters are before the Board on referral from the United States District Court for the Southern District of New York.

By decisions served July 17, 1996, the Board established procedural schedules in these proceedings. Complainants' opening statements were due on November 17, 1997. Board records, however, indicate that complainants' have not filed their opening statements. Accordingly, complainants are directed to file their opening statements by December 26, 1997, or show cause why these proceedings should not be dismissed.

It is ordered:

1. Complainants are directed to file their opening statements on or before December 26, 1997, or show cause, why their respective proceedings should not be dismissed.

2. If complainants file their opening statements, defendant's reply statements will be due on January 26, 1998, and complainants' rebuttal statements will be due on February 15, 1998.

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

STB No. 41782 et al.

3. This decision is effective on its service date.

4. A copy of this decision will be mailed to:

The Honorable Sonia Sotomayor
United States District Court for the Southern District of New York
500 Pearl Street, Room 1340
New York, NY 10038

Re: Civil Case No. 95 CIV 6956(SS), Adv. No. 95/9653A,
Civil Case No. 95 CIV 5783(SS), Adv. No. 95/9401A, and
Civil Case No. 95 CIV 5383(SS), Adv. No. 95/9538A

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary