

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

247597

CENTRAL VALLEY AG GRINDING, INC.)
AND CENTRAL VALLEY AG TRANSPORT)
INC.)

Complainants)

v.)

MODESTO AND EMPIRE TRACTION)
COMPANY)

Defendant.)

ENTERED

Office of Proceedings

April 25, 2019

Part of

Public Record

Docket No. NOR 42159



Office of
Proceedings

DECISION ID NO.: 46988

DECIDED DATE: 4/29/2019

SERVED DATE: 4/30/19

APPROVED: *Alicia Di*
Acting Director

**JOINT PETITION TO DISMISS COMPLAINT
WITHOUT PREJUDICE AND DISCONTINUE PROCEEDING**

Plaintiffs Central Valley Ag Grinding, Inc. and Central Valley Ag

Transport, Inc. (individually and collectively, "CVAG") and Defendant Modesto and

Empire Traction Company ("MET") (collectively the "Parties"), with the assistance of

Board-sponsored mediation, have been able to negotiate, and recently to execute, a

settlement agreement resolving their differences triggering CVAG's Complaint in this

proceeding, as well as those underlying the related state court contract litigation. The

Parties' settlement agreement renders the issues in this proceeding moot at this time, and

accordingly, the Parties jointly request that the Board dismiss this proceeding in its

entirety without prejudice.

Respectfully submitted,

CENTRAL VALLEY AG GRINDING
INC. AND CENTRAL VALLEY AG
TRANSPORT, INC.

/s/ Peter A. Pfohl
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MODESTO AND EMPIRE TRACTION
COMPANY

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Dated: April 25, 2019

CERTIFICATE OF SERVICE

I hereby certify that I have this 25th day of April 2019, caused a copy of the foregoing filing to be served by U.S. Mail, postage prepaid or by more expedited means upon all parties of record.

/s/ Katherine F. Waring
An Attorney for Complainants