

247061

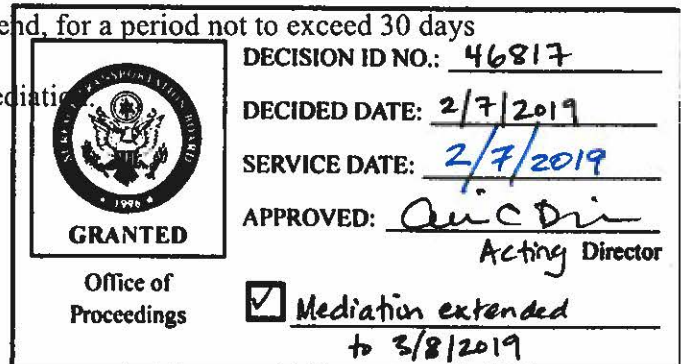
ENTERED
Office of Proceedings
February 4, 2019
Part of
Public Record

Docket No. NOR 42159

Defendant.

Complainant Central Valley Ag Grinding, Inc. and Central Valley Ag Transport Inc.

The parties are pleased to report that they have reached a settlement in principle to resolve their disputes. However, they are still finalizing all related settlement agreements and it is possible that the continuing assistance of the Board-appointed mediators may be necessary. Therefore, pursuant to 49 C.F.R. § 1109.3(b), and the Board's July 25, 2018, November 2, 2018, and December 3, 2018 Decisions, and the Board's Decision in *Filings Submitted or Due to be Submitted During the Partial Federal Government Shutdown*, EP 751 (STB served Jan. 28, 2019), CVAG and MET jointly request that the Board extend, for a period not to exceed 30 days from the date of its Order, Board-sponsored, voluntary mediation.



Additionally, given the progress made on settlement, CVAG and MET have agreed to postpone the discovery and filing deadlines established in the Board's July 25, 2018 Decision. Because some of the procedural schedule deadlines have occurred or will soon occur, and because of the parties' need for additional time to finalize all related settlement agreements, the parties therefore also jointly request that the Board hold the procedural schedule in abeyance. The parties intend to jointly advise the Board as to the status of completion of settlement within 30 days from the entry of the Order extending the mediation and holding the procedural schedule in abeyance.

WHEREFORE, for the reasons set forth above, CVAG and MET jointly request that the Board grant this Joint Motion and issue an Order (i) extending Board-sponsored, voluntary mediation and (ii) holding the Procedural Schedule in abeyance, as requested.

Respectfully submitted,

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

/s/Peter A. Pfohl
Robert D. Rosenberg
Frank J. Pergolizzi
Katherine F. Waring
Slover & Loftus LLP
1224 Seventeenth St., N.W.
Washington, D.C. 20036

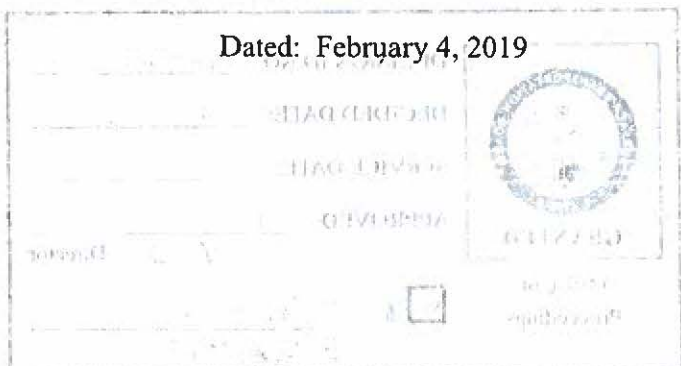
Attorneys for Complainant
Central Valley Ag Grinding, Inc. and
Central Valley Ag Transport Inc.

MODESTO AND EMPIRE TRACTION
COMPANY

/s/Robert A. Wimbish
James D. Helenhouse
Audrey L. Brodrick
Brandon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-2832

Counsel for Defendant
Modesto and Empire Traction Company

Dated: February 4, 2019



CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of February, 2019, 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
An Attorney for Complainant