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SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE REGARDING DISCOVERY

Docket No. NOR 42144

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 v. UNION PACIFIC RAILROAD COMPANY

Docket No. NOR 42150

VALERO MARKETING AND SUPPLY COMPANY
AND VALERO RAIL PARTNERS, LLC v. UNION PACIFIC RAILROAD COMPANY

Docket No. NOR 42152

TESORO REFINING & MARKETING COMPANY LLC;
TESORO GREAT PLAINS GATHERING & MARKETING, LLC;
AND DAKOTA PRAIRIE REFINING, LLC v. UNION PACIFIC RAILROAD COMPANY

Decided: October 3, 2017

On October 2, 2017, pursuant to an Order served September 20, 2017, a status conference was convened to discuss outstanding discovery issues in these consolidated dockets.

The conference revealed the following regarding discovery in these cases. All discovery is complete in Docket NOR 42144 except for the taking of a deposition of a representative of Complainant Cargill, Incorporated (Cargill) by defendant Union Pacific Railroad Company (UP) scheduled for October 19, 2017. Additional document production remains to occur in Dockets NOR 42150 and 42152. Document production in Docket NOR 42150 is expected to be completed by the end of October, 2017. Document production in Docket NOR 42152 is expected to be completed on or before December 31, 2017. UP also intends to seek deposition testimony in Dockets NOR 42150 and 42152.

After consideration of the issues and positions of the parties discussed at the status conference, the decision was made to adopt deadlines for completion of document production and deposition testimony in these cases. These deadlines may be shortened or extended for good cause upon petition of a party to the Presiding Administrative Law Judge.

It is ordered:

1. All discovery in Docket NOR 42144 is complete except for the deposition scheduled on October 19, 2017 and any follow up discovery of Cargill arising out of the Cargill depositions.

2. The deadline for completion of all document discovery in Dockets NOR 42150 and 42152 shall be December 31, 2017.

3. The deadline for completion of all deposition discovery in Dockets NOR 42150 and 42152 shall be January 31, 2018.

4. This decision is effective on its date of service.

By the Board, John P. Dring, Administrative Law Judge.