

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

NOR No. 42162

ENTERED
Office of Proceedings
October 30, 2019
Part of
Public Record

**DENVER ROCK ISLAND RAILROAD COMPANY V. THE CITY AND COUNTY
OF DENVER, COLORADO**

**REQUEST TO WITHDRAW PETITION TO INTERVENE OF
IRON AND METALS INC.**

On February 4, 2019, Denver Rock Island Railroad Company ("DRIR") filed a Verified Complaint against the City and County of Denver ("the City") with the Board in this matter. On March 19, 2019, Iron & Metals Inc. ("IMI") filed a Petition to Intervene (the "Petition to Intervene") in the proceedings and ongoing mediation between the City and Denver Rock Island Railroad ("DRIR"). On April 17, 2019, the Board issued a decision denying IMI's request to participate in mediation, but delaying any decision on the Petition to Intervene.

It has come to IMI's attention that the City and DRIR have settled on all outstanding issues, and on October 22, 2019, DRIR filed a Motion to Dismiss its February 4, 2019 Complaint with Prejudice. IMI does not oppose the Motion to Dismiss and hereby withdraws its Petition to Intervene.

Dated: October 30, 2019

Respectfully Submitted,



Erich Bethke

Senn Visciano Canges P.C.
1700 Lincoln St, Suite 4300
Denver, Colorado 80203
303-298-1122
EBethke@sennlaw.com

ATTORNEY FOR
IRON AND METALS INC.

CERTIFICATE OF SERVICE

I certify that I have this day served copies of Iron and Metals' Petition to Intervene by electronic mail and first class mail on the following:

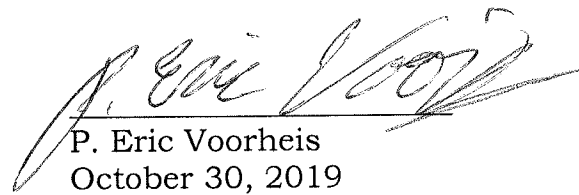
Allison I. Fultz
Kaplan Kirsch & Rockwell LLP
1634 Eye Street, NW
Suite 300
Washington, DC 20006
afultz@kaplankirsch.com
Attorney for the City and County of Denver

Thomas F. McFarland
Thomas F. McFarland, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
mcfarland@aol.com
Attorney for Denver Rock Island Railroad

William A. Mullins
Baker & Miller PLLC
2401 Pennsylvania Ave, NW
Washington, D.C. 20037
WMullins@bakerandmiller.com
Attorney for Denver Rock Island Railroad

Jeffrey O. Moreno
Thompson Hine LLP
1919 M Street, Suite 700
Washington, DC 20036
Jeff.Moreno@ThompsonHine.com
Attorney for CMC Steel Fabricators, Inc.

Ken Kage
Vice President, Denver Region
Darling Ingredients, Inc.
5701 York Street
Denver, CO 80216
Kkage@darlingii.com


P. Eric Voorheis
October 30, 2019