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February 21, 2002

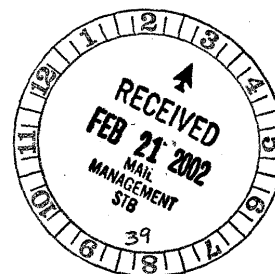
VIA HAND DELIVERY

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 711
Washington, D.C. 20423

ENTERED
Office of the Secretary

FEB 22 2002

Part of
Public Record



Re: No. 41230, GS Roofing Products Company, Inc., et al. v. Arkansas Midland Railroad Company, et al.

Dear Mr. Williams:

Please find enclosed herewith for filing the original and 10 copies of GS Roofing Products Company, Inc.'s Motion to Dismiss with Prejudice. Also, enclosed are two additional copies of the motion to be file-stamped and returned to our courier.

Thank you for your assistance in this matter.

Very truly yours,

BARNES & THORNBURG

Richard H. Streeter

Enclosures

cc: Thomas J. Litwiler

DCDS01 RHS 55981v1

Indianapolis

Fort Wayne

South Bend

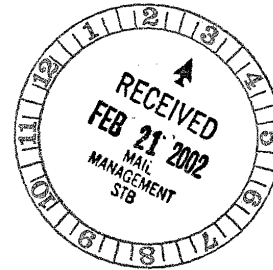
Elkhart

Chicago

Washington, D.C.

204819

BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423



GS ROOFING PRODUCTS COMPANY, INC.,)
BEAZER WEST, INC. d/b/a GIFFORD-HILL)
& COMPANY, BEAN LUMBER COMPANY and)
CURT BEAN LUMBER COMPANY,)

Complainants,)

Docket No. 41230

v.)

ARKANSAS MIDLAND RAILROAD and PINSLY)
RAILROAD COMPANY, INC.,)

Defendants.)

ENTERED
Office of the Secretary

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Public Record

MOTION TO DISMISS WITH PREJUDICE

Comes now GS Roofing Products Company, Inc. ("GS Roofing"), by and through its counsel of record, and files this Motion To Dismiss With Prejudice. As the Board is aware, the claims of all Complainants against Defendants, Arkansas Midland Railroad Company and Pinsly Railroad Company, Inc. (collectively "AMR"), other than those of GS Roofing, have been previously resolved.

On December 17, 2001, the Board issued its Decision reopening the instant proceeding to "permit the parties to submit additional evidence and argument on the computation of damages and to address the factors noted by AMR that are normally considered in determining damages for a breach of contract." Slip op. at 2. The Board established January 16, 2002 as the due date for the filing of simultaneous opening statements, with Reply Statements due February 5, 2002.

On January 30, 2002, the parties agreed to settle all remaining claims in this proceeding. Because that settlement has been memorialized in a Confidential Settlement Agreement and General Release, which has been duly executed by all parties, the Board is respectfully requested to dismiss this proceeding with prejudice.

Respectfully submitted,



Richard H. Streeter
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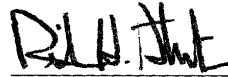
Counsel for Complainant,
GS Roofing Products Company, Inc.

Dated: February 21, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of February, 2002, served a true copy of the foregoing Motion for Dismissal with Prejudice filed on behalf of GS Roofing Products Company, Inc. by first class mail, postage prepaid, and by facsimile, on the following:

Thomas J. Litwiler, Esq.
Fletcher & Sippel LLC
Two Prudential Plaza, Suite 3125
180 North Stetson Avenue
Chicago, Illinois 60601-6721



Richard H. Streeter