

SERVICE DATE – DECEMBER 12, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36447

LAKE PROVIDENCE PORT COMMISSION—
FEEDER LINE APPLICATION—LINE OF DELTA SOUTHERN RAILROAD LOCATED IN
EAST CARROLL AND MADISON PARISHES, LA.

Digest:¹ This decision assigns and authorizes an administrative law judge to address discovery matters in this docket and orders that depositions sought by Delta Southern Railroad be paused pending resolution of the ongoing, related discovery disputes by the administrative law judge.

Decided: December 11, 2025

This proceeding involves efforts by the Lake Providence Port Commission (LPPC), a noncarrier political subdivision of the State of Louisiana, to acquire the portion of the McGehee-Tallulah rail corridor owned by Delta Southern Railroad, Inc. (DSR), a Class III rail carrier, through a feeder line application under 49 U.S.C. § 10907 and 49 C.F.R. part 1151.² By decision served September 25, 2025, the Board denied two motions to dismiss the proceeding, lifted a previously imposed abeyance, and directed the parties to submit (jointly if possible) a proposed procedural schedule that took into account a reasonable period of time for DSR to complete discovery. Lake Providence Port Comm’n—Feeder Line Appl.—Line of Delta S. R.R. Located in E. Carroll & Madison Parishes, La. (September 2025 Decision), FD 36447 (STB served Sept. 25, 2025).³ The parties submitted competing proposals for a procedural schedule on November 19, 2025.⁴

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol’y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

² The McGehee-Tallulah rail corridor extends from milepost 408.9 in McGehee, Ark., where it connects with Union Pacific Railroad Company, south to milepost 498.44 in Tallulah, La., where it connects with Canadian Pacific Kansas City Limited (CPKC). DSR owns and operates the southernmost segment of the corridor, from milepost 471.0 at Lake Providence, La., south to the connection with CPKC at milepost 498.44 in Tallulah.

³ For a more detailed discussion of the procedural history and background of this proceeding, see the September 2025 Decision.

⁴ The September 2025 Decision set a deadline of October 9, 2025, for submitting a proposed procedural schedule. In light of a lapse in the Board’s appropriations from October 1,

Also on November 19, 2025, DSR filed a motion to strike four verified statements signed by shipper witnesses in support of LPPC's amended application or, in the alternative, to either compel discovery from those witnesses (if they are parties to the proceeding) or issue subpoenas duces tecum as to them (if they are not). (DSR Mot. to Strike 1-2, Nov. 19, 2025.) According to its motion, on October 13, 2025, DSR served discovery on four of LPPC's witnesses who provided verified statements. (*Id.* at 1 (listing witnesses).) DSR states that it then served notices of deposition on four individuals, including three of the four witnesses on whom it previously served discovery.⁵ (*Id.* at 1-2.) DSR states that all four witnesses on whom it served written discovery requests objected to the discovery and refused to respond. (*Id.*)

LPPC replied in opposition to this motion on November 24, 2025. LPPC argues, among other things, that the witnesses are not "parties" to the proceeding and, as such, are not required, under the Board's regulations, to respond to interrogatories or requests for production. (LPPC Reply 4-5, Nov. 24, 2025 (citing 49 C.F.R. § 1114.26, .30).) LPPC also objects to DSR's subpoena duces tecum on the ground that each witness should be the subject of a separate petition for such a subpoena. (*Id.* at 12-13.)

On December 5, 2025, LPPC filed a letter requesting expedited resolution "of the issues raised in LPPC's Reply," noting that DSR had served notices of deposition proposing depositions beginning on December 15, 2025. (LPPC Letter 1, Dec. 5, 2025.) On December 5, 2025, DSR filed a letter "join[ing]" the request filed by LPPC "for expedited resolution of the issues before the Board posed by [DSR's] Motion to Strike." (DSR Letter 1, Dec. 5, 2025.)

On December 8, 2025, two of the shipper witnesses that provided verified statements, Epstein and LP&M, filed replies to DSR's November 19 motion to strike or compel. Both witnesses dispute DSR's contention that they are parties in this proceeding and therefore required to respond to DSR's interrogatories and document requests. (Epstein Letter 1; LP&M Letter 1.) They also object to the adequacy of the deposition notices served by DSR and contend that, if DSR continues to seek their depositions, DSR must first petition for the issuance of a separate subpoena duces tecum for each witness, to which it will then have an opportunity to object. (Epstein Letter 2; LP&M Letter 2.) On December 9, 2025, a third shipper witness, Hollybrook Warehouse, filed a reply objecting to DSR's motion on similar grounds. (Hollybrook Warehouse Letter 1-2.) The fourth shipper witness, Complex Chemical, Inc. (Complex), also filed objections to DSR's motion, asserting that it is not a party and therefore

2025, to November 12, 2025, that deadline was changed to November 20, 2025. See Materials Due to Be Submitted During the Fed. Gov't Shutdown, EP 751 (STB served Nov. 13, 2025). The Board will address the proposed procedural schedules in a separate decision.

⁵ The four individuals DSR seeks to depose are Robert N. Amacker, Jr., on behalf of Hollybrook Warehouse, Inc. (Hollybrook Warehouse), Sam Angel on behalf of Epstein Gin Co. and Epstein Transloading (Epstein), Blake Livingston on behalf of Livingston Pecan & Metal, Inc. (LP&M), and Missy Courtwright. Ms. Courtwright is not identified by name or affiliation in DSR's motion; according to LPPC, she is the office manager of Arkansas Short Line Railroad Inc. (the owner of North Louisiana & Arkansas Railroad, Inc. (NLA)), (see LPPC Reply 11, Nov. 24, 2025), a co-party.

not required to respond to DSR's written discovery requests. (Complex Letter 1-3, Dec. 9, 2025.) Complex opposes DSR's motion to strike its verified statement, arguing that it has a "right to be heard" in this proceeding, (id. at 2), and maintains that DSR must petition for the issuance of a separate subpoena directed to Complex in order to pursue deposition or document discovery from the company, (id. at 3).⁶

DISCUSSION AND CONCLUSIONS

In light of these unresolved issues and ongoing disputes, the Board will assign an administrative law judge (ALJ) to handle discovery matters in this proceeding, including DSR's November 19 motion to strike or compel. The Board will also order that the depositions DSR seeks to commence the week of December 15, 2025, be paused⁷ pending resolution of the ongoing, related discovery disputes by the ALJ.

The Board has signed a Memorandum of Understanding with the U.S. Department of Health and Human Services, Office of Medicare Hearings and Appeals to employ the services of ALJs on a case-by-case basis to perform discrete, Board-assigned functions such as adjudicating discovery disputes in cases pending before the Board. The Board hereby assigns and authorizes Administrative Law Judge Jenifer Soulikias to entertain and rule upon discovery matters and to resolve initially any pending or future disputes concerning discovery in this proceeding. The parties are directed to send copies of all their filings and documents in this proceeding that pertain to the amended application to Judge Soulikias at alj.soulikias.inbox@stb.gov.

The Board expects that the parties and witnesses will make concerted good faith efforts to promptly resolve their disputes. The Board will set a deadline for the close of discovery when it issues a decision establishing a procedural schedule for this proceeding.

DSR will be directed to serve a copy of this decision on Robert N. Amacker, Jr., of Hollybrook Warehouse (whose deposition DSR has noticed for 10:00 am Monday, December 15, 2025) by Saturday, December 13, 2025. Additionally, DSR will be ordered to serve a copy of this decision on the other three persons DSR noticed for deposition, see supra note 5, by Monday, December 15, 2025. DSR will be required to certify to the Board when it has completed the required service of this decision.

⁶ On December 10, 2025, another shipper witness—Terral RiverService, Inc. (Terral), who is not referenced in DSR's motion to strike—filed a letter stating that it had responded to interrogatories propounded by DSR. (Terral Letter 1.) Included as an attachment to its letter was a copy of Terral's responses to DSR, in which Terral asserts that it is not a party to the Board proceeding and therefore is not obligated to respond to DSR's written discovery. (Id., Attach. (Dec. 8, 2025 letter to Counsel), Dec. 10, 2025.)

⁷ The parties and witnesses whose depositions DSR has noticed remain free to proceed with any deposition(s) that are not disputed.

It is ordered:

1. The depositions noticed by DSR are paused (unless the parties and witnesses involved otherwise agree) pending resolution of the ongoing, related discovery disputes by the ALJ.

2. The Board hereby ratifies the loan of Administrative Law Judge Jenifer Soulikias to the office of administrative law judge in the Surface Transportation Board, under terms and conditions prescribed in 5 U.S.C. § 3344 and 5 C.F.R. § 930.208, and the Board today approves her appointment as the Board's own action under the Constitution.

3. This proceeding is assigned to Judge Soulikias for the handling of all remaining discovery disputes.

4. In addition to filing pleadings with the Board and serving copies on parties of record, parties must send a copy of all filings and documents relating to the amended application, including submissions already filed with the Board, to Judge Soulikias at alj.soulikias.inbox@stb.gov.

5. Judge Soulikias will be added to the service list in this proceeding and a copy of this decision will be served upon her.

6. A copy of this decision will be served on the U.S. Office of Personnel Management (OPM), at Human Resource Solutions, ALJ Program Office, 1900 E Street N.W., Suite 2469, Washington, DC 20415-9400 and electronically at lenor.thompson-watkins@opm.gov. Judge Soulikias shall send a copy of the notice or order that constitutes the final disposition of her assignment of this case to OPM at the above address.

7. DSR is directed to serve a copy of this decision on Robert N. Amacker, Jr., of Hollybrook Warehouse by Saturday, December 13, 2025, and on the other three persons DSR noticed for deposition by Monday, December 15, 2025. DSR shall certify to the Board when it has completed the required service of this decision.

8. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, and Schultz.