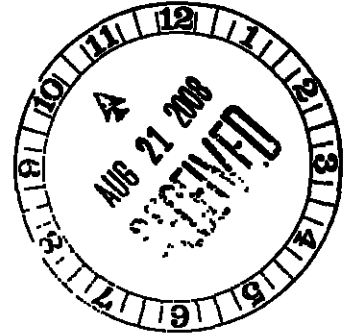


Law Offices of

DONALD L. MIERS, JR.
A PROFESSIONAL LAW CORPORATION

1930 Florida Avenue, S W.
Denham Springs, Louisiana 70726-4911
Telephone: (225) 664-9500
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August 20, 2008

223324

VIA FEDERAL EXPRESS

Surface Transportation Board
395 E Street, SW
Washington, DC 20024

RE: Ashbro, Inc. v. Misuri Associates, Limited Partnership.
Adell Compounding, Inc., Canadian National Railway,
and Bercen, Inc., No. FD 35171

Dear Sir:

In connection with the above referenced proceeding, please find enclosed an original and ten copies of an Answer presented for filing this date on behalf of our client, Bercen, Inc. Please file the original and return a date stamped copy to us for our records.

Thanking you and with best regards, I am

Sincerely yours.

Donald L. Miers, Jr.

DLM, Jr./tt

Enclosures

ENTERED
Office of Proceedings
AUG 21 2008
Part of
Public Record

223324

BEFORE THE SURFACE TRANSPORTATION BOARD

ASHBRO, INC., Petitioner

VERSUS

MISURI ASSOCIATES LIMITED PARTNERSHIP, ADELL COMPOUNDING, INC.,
BERCEN, INC., and ILLINOIS CENTRAL RAILROAD COMPANY Defendants

DOCKET NO. FD 35171

ENTERED
Office of Proceedings

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Public Record

ANSWER

Ashbro, Inc.
4529 Hessmer Avenue
Metairie, Louisiana 70002

PETITIONER

Misuri Associates Limited Partnership
30128 Eden Church Road
Denham Springs, Louisiana 70726

Adell Compounding, Inc.
30128 Eden Church Road
Denham Springs, Louisiana 70726

Bercen, Inc.
1381 Cranston Street
Cranston, RI 02920

Illinois Central Railroad
135 East Eleventh Place
Chicago, Illinois 60605

DEFENDANTS

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BEFORE THE SURFACE TRANSPORTATION BOARD

ASHBRO, INC., Petitioner

VERSUS

**MISURI ASSOCIATES LIMITED PARTNERSHIP, ADELL COMPOUNDING, INC.,
BERCEN, INC., and ILLINOIS CENTRAL RAILROAD COMPANY Defendants**

DOCKET NO. FD 35171

ANSWER

NOW COMES, through undersigned counsel, Bercen, Inc. (hereinafter "Respondent"), who in answer to the complaint filed on behalf of Ashbro, Inc., does respectfully aver as follows:

FIRST DEFENSE

Failure to state a claim upon which relief can be granted.

SECOND DEFENSE

Now for response to the specific allegations of the complaint, respondent respectfully avers that:

1.

Respondent admits its name and physical location, but denies the remaining allegations set forth in Paragraph 1 sub-part (c) of the Complaint. Respondent is without sufficient information to admit or deny the remaining allegations of Paragraph 1 of the Complaint.

2.

Respondent admits the allegations of Paragraph 2 of the Complaint.

3.

Respondent is without information sufficient to justify a belief as to the truth of the allegations of fact contained in Paragraph 3 of the complaint, but to the extent that an answer is

required, respondent denies the allegations of fact contained therein insofar as they are directed at respondent.

4.

Respondent admits the allegations of Paragraph 4 of the Complaint.

5.

Respondent admits the allegations of Paragraph 5 of the Complaint.

6.

Respondent is without information sufficient to justify a belief as to the truth of the allegations of fact contained in Paragraph 6 of the complaint, but to the extent that an answer is required, respondent denies the allegations of fact contained therein insofar as they are directed at respondent.

7.

Respondent admits the allegations of Paragraph 7 of the Complaint.

8.

Respondent admits the allegations of Paragraph 8 of the Complaint.

9.

Respondent admits the allegations of Paragraph 9 of the Complaint.

10.

Respondent admits the allegations of Paragraph 10 of the Complaint.

11.

Respondent admits the allegations of Paragraph 11 of the Complaint.

12.

Respondent is without information sufficient to justify a belief as to the truth of the allegations of fact contained in Paragraph 12 of the complaint, but to the extent that an answer is

required, respondent denies the allegations of fact contained therein insofar as they are directed at respondent.

13.

Respondent is without information sufficient to justify a belief as to the truth of the allegations of fact contained in Paragraph 13 of the complaint, but to the extent that an answer is required, respondent denies the allegations of fact contained therein insofar as they are directed at respondent.

14.

Respondent admits the allegations of Paragraph 14 of the Complaint.

15.

Respondent is without information sufficient to justify a belief as to the truth of the allegations of fact contained in Paragraph 15 of the complaint, but to the extent that an answer is required, respondent denies the allegations of fact contained therein insofar as they are directed at respondent.

16.

Respondent denies the allegations of Paragraph 16 of the Complaint.

17.

Respondent admits the allegations of Paragraph 17 of the Complaint.

18.

Respondent admits the allegations of Paragraph 18 of the Complaint.

19.

Respondent admits the allegations of Paragraph 19 of the Complaint.

20.

Respondent denies the allegations of Paragraph 20 of the Complaint.

21.

Respondent denies the allegations of Paragraph 21 of the Complaint.

22.

Respondent denies the allegations of Paragraph 22 of the Complaint.

23.

Respondent denies the allegations of Paragraph 23 of the Complaint.

24.

Respondent is without information sufficient to justify a belief as to the truth of the allegations of fact contained in Paragraph 24 of the complaint, but to the extent that an answer is required, respondent denies the allegations of fact contained therein insofar as they are directed at respondent.

25.

Respondent denies the allegations of Paragraph 25 of the Complaint.

26.

Respondent denies as written the allegations of Paragraph 26 of the Complaint.

27.

Respondent admits the allegations of Paragraph 27 of the Complaint.

28.

Respondent admits the allegations of Paragraph 28 of the Complaint.

29.

Respondent denies the allegations of Paragraph 29 of the Complaint.

30.

Respondent denies the allegations of Paragraph 30 of the Complaint.

31.

Respondent denies the allegations of Paragraph 31 of the Complaint.

32.

Respondent denies the allegations of Paragraph 32 of the Complaint.

33.

Respondent reavers and reasserts the responses made herein above in paragraphs 1 through 32, inclusive, as if copied in extenso.

34.

Respondent denies the allegations of Paragraph 34 of the Complaint.

35.

Respondent reavers and reasserts the responses made herein above in Paragraphs 1 through 34, inclusive, as if copied in extenso.

36.

Respondent denies the allegations of Paragraph 36 of the Complaint.

37.

Respondent reavers and reasserts the responses made herein above in Paragraphs 1 through 36, inclusive, as if copied in extenso.

38.

Respondent denies the allegations of Paragraph 38 of the Complaint.

39.

Respondent reavers and reasserts the responses made herein above in Paragraphs 1 through 38, inclusive, as if copied in extenso.

40.

Respondent denies the allegations of Paragraph 40 of the Complaint.

41.

Respondent denies the allegations of Paragraph 41 of the Complaint.

42.

Respondent denies the allegations of Paragraph 42 of the Complaint.

43.

Respondent repeats and reasserts the responses made herein above in Paragraphs 1 through 42, inclusive, as if copied in extenso.

44.

Respondent denies the allegations of Paragraph 44 of the Complaint.

WHEREFORE, Bercen, Inc., prays that this answer be deemed good and sufficient, and that after due proceedings be had that there be judgment herein dismissing the demands of Ashbro, Inc., with prejudice, at Ashbro's cost, and granting Bercen, Inc. any general and equitable relief as the nature of this case may allow.

Respectfully submitted,

By Attorneys,

DONALD L. MIERS, JR., APLC

By: 
Donald L. Miers, Jr. (LSBA #26687)
1930 Florida Avenue, S.W.
Denham Springs, LA 70726
Telephone: (225) 664-9500
Facsimile: (225) 664-2117

BEFORE THE SURFACE TRANSPORTATION BOARD

ASHBRO, INC., Petitioner

VERSUS

**MISURI ASSOCIATES LIMITED PARTNERSHIP, ADELL COMPOUNDING, INC.,
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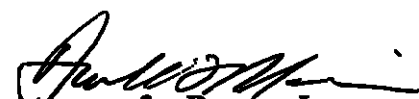
DOCKET NO. FD 35171

CERTIFICATE

I, Donald L. Miers, Jr., declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on August 20, 2008.


Declarant

I hereby certify that I have served all parties of record, as well as all counsel of record in this proceeding with this document by United States mail, postage prepaid on August 20, 2008.


Attorney for Bercen, Inc.