

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

243832

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,

Complainants,

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

ENTERED  
Office of Proceedings  
June 22, 2017  
Part of  
Public Record

NOR 42144, *et al*  
(consolidated)

**COMPLAINANTS' EIGHTH BI-WEEKLY STATUS REPORT**

Pursuant to the Decision served in this case on March 3, 2017, the Complainants in this case hereby submit the following eighth report on the status of discovery in this case. The report follows the four categories of information listed in the Decision.

1. Progress Accomplished Since Seventh Status Report

a. On June 8, 2017 POET Ethanol and POET Nutrition completed their production of additional documents to UP in response to a letter received from UP counsel containing several discovery-related issues that arose from the depositions of POET Ethanol and POET Nutrition representatives.

b. Cargill, Incorporated – On June 6, 2017, Cargill served its privilege log. Cargill has now completed its responses to all outstanding UP discovery requests.

On June 7, 2017, UP forwarded seven follow-up questions relating to Cargill's prior productions of discovery materials. Cargill provided responses to all but one of UP's follow-up questions on June 19, 2017. Cargill anticipates it will respond to the remaining follow up question from UP during the week of June 26, 2017.

2. Outstanding Discovery Matters

Complainants' understand that three of the four tank car owners subject to the subpoenas served by UP have produced documents to UP pursuant to the decisions in this case.

3. Participants' Plans to Address Outstanding Discovery

a. Cargill has completed its responses to all outstanding UP discovery requests and has responded to all but one of UP's follow up questions. Cargill anticipates that it will respond to UP's remaining follow-up question – which requires consultation with an outside vendor – by the week of June 26, 2017.

4. Estimated Time Required to Address Outstanding Discovery Concerns

a. Cargill, Incorporated – Please see Cargill's status update in Part 3(a) above.



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POET Nutrition, Inc., and Cargill,  
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Dated: June 22, 2017

Respectfully submitted,



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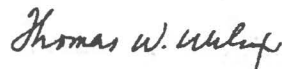
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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of June, 2017, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or a more expeditious manner of delivery, on all of the parties of record in NOR 42144, *et al* (consolidated).

I also caused a copy of the foregoing document to be served by hand on Administrative Law Judge John P. Dring, Federal Energy Regulatory Commission Office of Administrative Law Judges, 888 First Street, N.E., Washington DC 20426.



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Thomas W. Wilcox