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November 19, 2025

VIA ELECTRONIC FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
November 19, 2025
Part of
Public Record

Re: ***Finance Docket No. 36447, Lake Providence Port Commission – Feeder Line
Application – Line of Delta Southern Railroad Located in East Carroll and Madison
Parishes, Louisiana***

Dear Chief of Case Administration:

Attached for filing in the above-captioned proceeding is the Delta Southern Railroad, Inc.'s Motion to Strike and In the Alternative Motion to Compel or for a Subpoena Duces Tecum.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

/s/ John M. Scheib

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Attorneys for:
Delta Southern Railroad, Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

**LAKE PROVIDENCE PORT COMMISSION – FEEDER LINE APPLICATION – LINE
OF DELTA SOUTHERN RAILROAD LOCATED IN EAST CARROLL AND MADISON
PARISHES, LOUISIANA**

**DELTA SOUTHERN RAILROAD INC.’S MOTION TO COMPEL AND IN THE
ALTERNATIVE FOR A SUBPOENA DUCES TECUM**

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**DELTA SOUTHERN RAILROAD INC.’S MOTION TO STRIKE AND IN THE
ALTERNATIVE FOR A MOTION TO COMPEL OR FOR A
SUBPOENA DUCES TECUM**

Lake Providence Port Commission (“LPPC”) filed various verified statements of its witnesses with the Amended Application. In meet-and-confer sessions held in compliance with the Surface Transportation Board’s (“STB”) decision served September 25, 2025, LPPC made it clear that it did not think Delta Southern Railroad (“DSRR”) may take discovery of its witnesses. DSRR strongly disagrees.

DSRR attempted not to let the government shutdown delay its start on completing discovery. On October 13, 2025, DSRR served discovery on three of LPPC’s witnesses that submitted verified statements in the Amended Application – Complex Chemical Company, Inc., Livingston Pecan & Metal, Inc. (“Livingston”), Hollybrook Warehouse, Inc., (“Hollybrook”), and Epstein Gin Company (“Epstein”). On October 22, 2025, DSRR served notices of deposition

on four individuals. Three of the individuals are representatives of Livingston, Hollybrook, and Epstein, and their notices were contingent upon those witness parties completing its discovery responses before the deposition dates, which are set for the week of December 15. Regrettably, all four of LPPC's witnesses objected to discovery and refused to respond.

DSRR's due process rights hinge on being able to confront the witnesses against it. The proper remedy if these witnesses are unwilling to submit to discovery is to strike these statements from the record. If the Board does not strike LPPC's witness statements, DSRR has a fundamental due process right to discovery by granting a motion to compel or issuing a subpoena duces tecum.

I. LPPC'S WITNESSES HAVE REFUSED TO RESPOND TO DISCOVERY.

In its decision, served September 25, 2025, the STB directed LPPC and DSRR "to meet and confer and submit to the Board (jointly, if possible, otherwise separately) by October 9, 2025, a proposed procedural schedule" to be published in the *Federal Register*. That decision provided that "[t]he proposed schedule(s) should take into account a reasonable period of time for DSRR to complete discovery and the general timeline for record-building contemplated by the Board's regulations." *Lake Providence Port. Comm. – Feeder Line Application – Line of Delta South. R.R. Located in East Carroll and Madison Parishes, La.*, FD 36447 at 8 (STB Decided Sept. 25, 2025).

During the government shutdown, the DSRR and LPPC held meet and confer sessions on October 6, October 10, and October 13, 2025. During those session counsel for LPPC impressed upon DSRR its desire for DSRR to restart its discovery efforts that were suspended while the Board held this case in abeyance because of LPPC's *ultra vires* action. DSRR therefore took reasonable steps to keep the case moving during the shutdown by serving discovery on some of

LPPC’s witnesses. On October 13, 2025, DSRR served discovery on LPPC’s witnesses whose verified statements were included in the Amended Application – Complex Chemical Company, Inc. (“Complex”), Livingston Pecan & Metal, Inc. (“Livingston”), Hollybrook Warehouse, Inc., (“Hollybrook”), and Epstein Gin Company (“Epstein”). Those requests are narrowly tailored and not burdensome. *See* Exhibit A, Livingston discovery requests; Exhibit B, Complex discovery requests; Exhibit C, Hollybrook discovery requests; Exhibit D, Epstein discovery requests.

Regrettably, on October 21, 2025, counsel for DSRR received a letter from Mr. Blake Livingston, Vice President of Livingston, in which Livingston objected to discovery and refused to respond to DSRR’s discovery requests claiming that “[o]ur role in the referenced STB proceeding was to submit a verified witness statement that was included with LPPC’s feeder-line application. As a non-party witness, neither I nor my company are obliged to respond to discovery requests such as interrogatories and request for production of documents.” Letter from Blake Livingston to John Scheib (undated), attached as Exhibit E. Subsequently, DSRR received similar correspondence from attorneys for Complex, Hollybrook, and Epstein. *See* Exhibit F, Letter from Mr. Glover Russell to John Scheib (October 27, 2025); Exhibit G, Letter from William Mencer to John Scheib (October 23, 2025); Exhibit H, Letter from Jacob Brister to William Spotswood (dated November 4, 2025, and received November 10, 2025). These witnesses raised no other objections to any of the interrogatories or document requests, including no objections based on relevance or burden.

On October 23, 2025, DSRR served deposition notices on Mr. Blake Livingston of Livingston, Mr. Rober N. Amacker of Hollybrook, and Mr. Sam Angel of Epstein pursuant to 49 C.F.R. 1114.22, which provides that the testimony of “any person, including a party” may be

taken by deposition.¹ However, the dates for those depositions were and are contingent on receiving responses to the properly proffered discovery to which Livingston, Hollybrook, and Epstein have each objected and delayed DSRR's discovery efforts. Those depositions have not yet taken place. They are scheduled for the week of December 15, 2025, and time is running short for these entities to respond to discovery to keep those dates relevant.²

II. LPPC'S WITNESSES ARE SUBJECT TO DISCOVERY.

LPPC's witnesses are subject to discovery, including written discovery. LPPC submitted its witness statements with the Amended Application. These witnesses can avoid discovery by withdrawing their verified statement. Absent discovery or withdrawal of the statements, the Board must strike the verified statements of these LPPC witnesses from the record to protect DSRR's due process rights.³

LPPC's witnesses, including Livingston, Hollybrook, Complex, and Epstein, have made themselves part of this proceeding. These witnesses are no different than those whose verified statements are submitted with the application in a merger or control proceeding. In those cases, written discovery of witnesses is proper. *Union Pac. Corp., Union Pac. R.R. Co., and Missouri Pac. R.R. Co.—Control and Merger—South. Pac. Rail Corp., et al., STB Finance Docket No.*

¹ DSRR took other separate actions to keep this proceeding moving during the government shutdown. For example, on October 23, 2025, DSRR served a deposition notice on Ms. Missy Courtwright of North Louisiana and Arkansas Railroad.

² Despite DSRR's reasonable efforts to keep the case moving during the shutdown, these objections will require time for the Board to resolve and then for the permissible discovery to occur. DSRR's proposed procedural schedule provides for 90 days (with the caveat that extensions of the discovery period may be necessary if entities fight discovery or do not timely comply) and is the subject of a separate filing made today.

³ Each of Livingston, Complex, Hollybrook, and Epstein can also avoid discovery by notifying the Board that it is withdrawing its verified statement, which will moot this motion as to that witness.

32760, 2007 STB LEXIS 217 (STB Decided May 4, 2007) (providing for written discovery of witnesses whose verified statements were filed). The same is true in the rate case context. *See Wisconsin Power and Light Co. v. Union Pac. R.R. Co.*, STB Finance Docket No. 42051, 2000 STB LEXIS 341 at *6-7 (STB Decided June 20, 2000) (ordering document discovery of witness (Mr. Crowley) who submitted verified statement with application).

Alternatively, as witnesses whose verified statements LPPC submitted with the Amended Application, they became parties and subject to discovery pursuant to 49 C.F.R. 1114 and subject to a motion to compel discovery to which they have refused to respond. Indeed, when the Amended Application was filed in January 2023, this proceeding had been ongoing for more than two years since the original Application was filed in November 2020. These witnesses had the opportunity not to be part of the Amended Application and nevertheless choose to participate by having their verified statement included with the Amended Application.

In this proceeding, the Board has already resolved that an entity whose verified statement LPPC included in the original application was a party to this proceeding. In doing so, the Board rejected North Louisiana and Arkansas Railroad's argument that it was not a party under 49 C.F.R. 1101.2. *See Lake Providence Port Commission – Feeder Line Application – Line of Delta South. R.R. Located in East Carroll and Madison Parishes, La.*, STB Finance Docket No. 36447 at 7-8 (STB Decided May 27, 2021) (finding that NLA, which filed a verified statement with the original Application, was a party); *See Lake Providence Port Commission – Feeder Line Application – Line of Delta South. R.R. Located in East Carroll and Madison Parishes, La.*, STB Finance Docket No. 36447 (STB filed February 18, 2021) (arguing NLA not to be a party under C.F.R. 1101.2).

This situation is different from an instance in which an entity files a letter with the Board regarding a potential matter before a proceeding commences – such as before a merger application is filed – where that entity cannot be a party to a proceeding that has not commenced. 49 U.S.C. 11324(a) (“The Board may begin a proceeding to approve and authorize a transaction referred to in section 11323 of this title on application of the person seeking that authority.”) Here, the verified statements are evidence filed as part of the Amended Application, which may not have survived DSRR’s motion to dismiss without them. *See Lake Providence Port Commission – Feeder Line Application – Line of Delta South R.R. Located in East Carroll and Madison Parishes, La.*, STB Finance Docket No. 36447 at 7-8 (STB Decided November 19, 2023) (hereinafter “Nov. 13, 2023 Decision”).⁴

Alternatively, if LPPC’s witnesses are found not to be parties to the proceeding, DSRR hereby requests subpoenas duces tecum as to each of these witnesses. *See e.g., Wisconsin Power and Light Co. v. Union Pac. R.R. Co.*, NOR 42051, 2000 STB LEXIS 218, (STB Decided Apr. 18, 2000); *Public Service Co. of Colo. d/b/a Xcel Energy v. The Burlington N. and Santa Fe Ry Co.*, STB Docket No. 42057, 2002 STB LEXIS 85, at *6 (STB Decided Jan. 31, 2002).

Livingston, Complex, Hollybrook, and Epstein raised no other objections to the discovery served upon each of them. They did not object based on relevance or based on burden.

Accordingly, if the Board does not strike their verified statements, DSRR respectfully requests

⁴ In that decision, the Board criticized DSRR for not providing certain evidence related to the verified statements even though the motion was one about the sufficiency of the Amended Application. Even then, the Board held that “[s]hould the Board ultimately accept LPPC’s amended application and institute a proceeding, DSRR will be free to present additional evidence and argument relating to the claims in its motion to reject (and other claims bearing on the merits of the amended application), and the Board will issue a decision on the merits of the application when the record is complete.” Nov. 13, 2023 Decision at 11 (citations omitted).

that LPPC's witnesses be compelled to respond to the reasonable and tailored discovery served upon them.

III. THE BOARD SHOULD STRIKE THE WITNESSES' STATEMENTS.

DSRR's due process rights require it to be able to seek information to prove the negative asserted by LPPC. When witnesses refuse to submit to discovery, the Board should strike the verified statements from the record. DSRR understands the cost and burden of discovery based on its own experience in this proceeding. That is why it submitted very narrow and carefully tailored discovery on these witnesses of LPPC and why it made the discovery self-limiting – meaning that depending on the witnesses' answers to certain discovery, other discovery does not require response. Despite the reasonable nature of these requests – and the absence of any objection based on relevance or burden by any of these witnesses, they still refuse to respond to DSRR's discovery. Perhaps they did not understand that LPPC intended to use them as witnesses by providing their verified statements in the Amended Application. Given the witness's desire to avoid responding to simple discovery, the Board should strike their verified statements from the record, which would remove the need for discovery.

IV. DSRR HAS DUE PROCESS RIGHTS THAT MUST BE PROTECTED IF THE BOARD DOES NOT STRIKE LPPC'S WITNESS STATEMENTS.

A. DSRR HAS DUE PROCESS RIGHTS.

LPPC, an entity that ships no freight, has alleged that the public convenience and necessity warrant the dramatic remedy of a Board-ordered sale of a rail line, which includes an allegation that DSRR's service is inadequate. In support, it filed verified statements by various witnesses, including those not located on the line and that do not ship over the line at issue in this proceeding. If not struck from the record, DSRR is entitled to probe these witnesses about their verified statements and about issues likely to lead to admissible evidence. DSRR believes these

witness statements are irrelevant (many of them do not even address current service or are from parties that have never requested rail service) but cannot take the chance that the Board will disagree. Thus, DSRR must be granted discovery to probe them.

DSRR has a fundamental right of due process to challenge any witness against it. “In almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses.” *Goldberg v. Kelly*, 397 U.S. 254, 269 (1970); *see also ICC v. Louisville & Nashville R.R.*, 227 U.S. 88, 93-94 (1913). *Cf.* § 7(c) of the Administrative Procedure Act, 5 U.S.C. § 556(d). Where the “evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy,” the individual’s right to show that it is untrue depends on the rights of confrontation and cross-examination. Thus, the Supreme Court has been zealous to protect these rights from erosion – “It has spoken out not only in criminal cases...but also in all types of cases where administrative... actions were under scrutiny.” *Greene v. McElroy*, 360 U.S. 474, 496-97 (1959).

Circuit Courts of Appeals have followed this directive. For example, the Eighth Circuit Court vacated an Order from the Department of Education, which awarded reinstatement and backpay to an employee, because the Department failed to give the employer an opportunity to confront and cross-examine adverse witnesses during the proceeding. *Business Comms., Inc. v. U.S. Dep’t of Educ.*, 739 F.3d 374, 381-82 (8th Cir. 2013). Likewise, the Ninth Circuit Court found that the U.S. Citizenship and Immigration Service violated due process rights where it failed to give plaintiffs an opportunity to confront and cross-examine adverse witnesses in connection with an I-130 petition. *Ching v. Mayorkas*, 725 F.3d 1149, 1159 (9th Cir. 2013). These principles apply with equal force in this proceeding, and DSRR is entitled to confront and

cross-examine adverse witnesses in connection with the Amended Application. If not struck from the record, DSRR has a right to discovery through the following motions to compel or in the alternative requests for subpoenas duces tecum.

B. IF THE BOARD DOES NOT STRIKE LPPC’S WITNESSES’ STATEMENTS, THE MOTION TO COMPEL SHOULD BE GRANTED.

The Board should grant the motion to compel as to each of LPPC’s witnesses if it does not strike those witness statements from the record.

DSRR’s discovery requests served on Livingston, Complex, and Epstein are targeted, likely to lead to the discovery of admissible evidence, and reasonable. DSRR’s discovery requests of Livingston consisted of 22 interrogatories and 22 document requests that are narrowly tailored to the issues in this feeder line case and to the statements made by Livingston in its verified statement. In reality, however, the interrogatories and document request are likely substantially fewer because DSRR informed Livingston that if the answer to two of the interrogatories was “no” (Interrogatories Nos. 2 and 5), which DSRR believes is the only answer Livingston can provide under oath, then Livingston would not need to answer many of the interrogatories (Interrogatories Nos. 3-4 and 6-7), which would also moot the corresponding requests for documents. Interrogatories 11 through 19 all ask about specific statements included in the verified statement as do the corresponding requests for documents. Other requests go directly to the rail service Livingston might be receiving from NLA, which is the entity that LPPC claims would operate the line if the feeder line application were approved (Interrogatories 8-9). Interrogatory 20 asks about the rail interchange with NLA, which is a subject discussed in the Amended Application. Accordingly, all these issues are directly relevant to this proceeding, are likely to lead to admissible evidence, or both. And, Livingston has not objected on grounds of relevance.

As to Epstein, the discovery served on it consists of 18 Interrogatories and 20 document requests. Again, the interrogatories and the corresponding discovery requests are self-limiting depending on Epstein's answers to Interrogatories Nos. 2 and 5, which would eliminate the need for Epstein to answer Interrogatories Nos. 3-4 and 6-7. Interrogatories Nos. 11-15 directly probe statements from Epstein's verified statement, as do the corresponding document requests. Document Requests Nos. 13-17. Interrogatories 11-15 are related to statements made in Complex's verified statement as are Document Requests Nos. 14-18. Other requests go directly to the rail service Epstein might be receiving from NLA, communications it has had related to rail service, and other issues relevant to this proceeding and likely to lead to admissible evidence.

Finally, the discovery of Complex is equally targeted and likely to lead to admissible evidence. It consists of 18 Interrogatories and 21 document requests. The interrogatories are similarly self-limiting depending on the answers to Interrogatories Nos. 2 and 5. Other requests go directly to the rail service Epstein might be receiving from NLA, communications it has had related to rail service, and other issues relevant to this proceeding and likely to lead to admissible evidence. In short, the discovery of all three entities is limited and targeted.

There is minimal burden on each of the witnesses to respond to DSRR's discovery requests. None of LPPC's witnesses have objected based on burden – conceding there is no real burden. Their lack of burden objection makes sense because there is minimal burden to begin with given the narrow and targeted nature of the interrogatories and discovery requests. In fact, it is possible that it will take them less time to respond to the discovery requests than it did to research and write their verified statements, which covered a history going back to the 1980's. Moreover, the fact that the document requests are self-limiting – i.e., depending on the answers

to two interrogatories, other interrogatories and corresponding document requests are inapplicable --- means that there is even less burden.

If the Board does not strike the LPPC witness statements, DSRR requests it grant a motion to compel as to each of LPPC's witness because the discovery is targeted and narrow and there is no real burden for these parties to respond as they concede by not objecting based on burden.

C. IN THE ALTERNATIVE, IF THE STATEMENTS ARE NOT STRUCK, THE BOARD SHOULD ISSUE A SUBPOENA DUCES TECUM AS TO EACH WITNESS.

Although Livingston, Complex, Hollybrook, and Epstein are LPPC's witnesses and parties to this proceeding, in the alternative, DSRR is entitled to discovery of non-parties – particularly one that has acquainted itself with the proceeding by filing a verified statement in it. The proper procedure to seek discovery from a non-party is for the Board to issue a subpoena duces tecum, which DSRR request here in the alternative. *See Wisconsin Power and Light Co. v. Union Pac. R.R. Co.*, NOR 42051, 2000 STB LEXIS 218, (STB Decided Apr. 18, 2000); *Public Service Co. of Colo. d/b/a Xcel Energy v. The Burlington N. and Santa Fe Ry Co.*, STB Docket No. 42057, 2002 STB LEXIS 85, at *6 (STB Decided Jan. 31, 2002); *Ballard*, at 1.

The Board has issued such a subpoena when there is a strong foundation for seeking discovery of a non-party compared to the burden of the requests, which is a standard that is less burdensome the less of a stranger to the proceeding the non-party is. *Ballard*, at *4-6; *Reasonableness of BNSF Ry. Co. Coal Dust Mitigation Tariff Provisions*, FD 35557, 2012 STB LEXIS 239 at *3 (STB served Feb. 27, 2012) (hereinafter “*Coal Dust I*”). None of LPPC's witnesses have raised any burden objection, which is not surprising given the target nature of the discovery and the fact that the discovery is self-limiting based on the witnesses' answers.

By filing a verified statement, each of LPPC's witnesses has claimed to have knowledge relevant to this proceeding (although that is questionable and none make any claims about current service), including service and adequacy of transportation (49 U.S.C. 10907(a)). At least two of the parties – Epstein and Livingston – have done so despite that fact that they are not located on the line at issue and have not requested service from DSRR. But they have conceded by filing a verified statement that they may have information and material likely to lead to admissible evidence. If their verified statements are irrelevant, then the Board should strike them from the record. Otherwise, DSRR has rights that must be protected through discovery.

V. CONCLUSION

Given LPPC's witnesses' unwillingness to respond to discovery, the verified statements of each of Livingston, Complex, Hollybrook, and Epstein should be struck from the record. Otherwise, they must be subject to discovery.

If the Board does not strike LPPC's witnesses' statements, then the Board must grant the motion to compel or issue the subpoenas duces tecum. DSRR's requests are narrowly tailored to the issues in the case or to the substance of the verified statement and are likely to lead to admissible evidence. The requests on each of LPPC's witnesses are not burdensome, and they raise no burden objection. In fact, honest answers to two interrogatories make the discovery self-limiting and even less burdensome. Once each of Livingston, Complex, Hollybrook, and Epstein has complied with a motion to compel or subpoena duces tecum and responded to DSRR's discovery requests, DSRR will pursue the depositions, as necessary, but conducting those depositions do not make sense without first obtaining the responsive discovery materials.

It may have been more than each of LPPC's witnesses bargained for to provide witness statements. DSRR understands. But LPPC's witnesses can be spared discovery only if the Board

strikes their verified statements from the record to avoid a violation of DSRR's due process rights.

Respectfully Submitted,

/s/ John M. Scheib

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Attorneys for:
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November 19, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by email on the following:

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219 Commerce Street
Lake Village, AR 71653

/s/ William L. Spotswood

William L. Spotswood
Dated: November 19, 2025

Exhibit A -- Livingston discovery requests



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October 13, 2025

VIA FEDERAL EXPRESS

Blake Livingston
Vice President
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Lake Village, AR 71653

Re: Finance Docket No. 36447, *Lake Providence Port Commission – Feeder Line Application – Line of Delta Southern Railroad Located in East Carroll and Madison Parishes, Louisiana.*

Mr. Livingston :

Attached please find discovery requests served on your company by Delta Southern Railroad ("DSRR") in the above-captioned legal action before the United States Surface Transportation Board. DSRR regrets that it has become necessary to serve these requests upon you given our two companies outstanding relationship. This discovery is served on you as a party that filed a verified statement in this proceeding. If the answers to interrogatory numbers 2 and 5 are "no", we can work with you to simplify the document requests.

If you have any questions, feel free to contact me at scheib@gentrylocke.com.

Sincerely,

/s/ John M. Scheib

John M. Scheib

Attorney for: Delta Southern Railroad, Inc.

cc: Noah P. Sullivan, Esq.
Richard H. Streeter, Esq.
Michael F. McBride, Esq.

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

**DELTA SOUTHERN RAILROAD INC.’S FIRST SET OF INTERROGATORIES AND
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO LIVINGSTON PECAN & METAL, INC.**

Delta Southern Railroad Inc. (“DSRR”), through counsel, hereby serves its First Set of Interrogatories and First Set of Requests for Production of Documents upon Livingston Pecan & Metal, Inc. (“Livingston”) in the above-captioned matter, pursuant to 49 C.F.R § 1114, *et seq.* Livingston’s responses and any objections are due to be served on DSRR within 14 days of service of these discovery requests.

INSTRUCTIONS AND DEFINITIONS

1. “Document(s)” shall mean anything on or in which data or information is recorded or stored, including, but not limited to: writings or representations of every kind, correspondence, electronic mail and files, text messages, memoranda, notes, statements, paraphrases or summaries of statements, drawings, tabulations, charts, graphs, plans, maps, sketches, photographs, brochures, diaries, records, rules, regulations, summaries, reports, report forms, studies, papers, work papers, letters, books, notebooks, schedules, lists, worksheets, agreements, contracts, records of telephone calls or any other communications or conversations, telegrams, teletypes, radiograms, cables, discs, tapes or any other forms of mechanical recordings of all statements not reduced to writing, film, microfilm, computer printouts and computations potentially generated to summarize

information stored in computer storage by whatever means. The word “Document(s)” also includes, but is not limited to, all handwritten, typed, printed and photocopied matter, including all marginal notations and drafts, duplicates, carbon copies and any other copies thereof, all electronically stored documents such as information stored on computer drives, hard discs, diskettes, floppy discs, DVD, CD, memory sticks, any other means of electronic storage, and all information posted online such as information posted on social media or a blog, even if such information was later edited or deleted.

2. When asked to “describe” or “explain in detail” or “describe in detail” an act, occurrence, event, transaction or communication, the description or explanation should include, but is not limited to, the following:

- a. The date, time and place;
- b. The name of each person present, whether or not a participant;
- c. The explanation or description should reference underlying facts rather than ultimate facts or conclusions of fact or law.

3. If any of the information included in the answers to these interrogatories is not within the personal knowledge of the person certifying the answers to these interrogatories, so indicate in each instance where such information is included, and identify each person and/or document from whom/which such information was obtained.

4. The connectors “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests any information that might otherwise be construed to be outside the scope of the interrogatory or request.

5. “Identify” with respect to a document means set forth the following information, if known: a general description (e.g., letter, memorandum, report, etc.); a brief summary of its contents, or a description of the subject matter it concerns; the name and address of the persons, if any, who drafted, prepared, compiled or signed it; and any other descriptive information necessary in order to adequately describe it in a subpoena *duces tecum* or in a motion or request for production.

6. “Identify” with respect to a person means set forth the person’s full name, last known home address and telephone number, cellphone number, email address, current occupation and position, the last known address and telephone number of the person's place of employment and his job title.

7. “Identify,” when referring to any communication, means to state the date of the communication; the nature of the communication (oral, written, etc.); the identity of the parties to the communication; the subject matter of the communication; and the identity of any documents arising from, reflecting, recording, or relating to the communication.

8. The word “person” shall mean any individual, firm partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any “person” acting by or through, directly or indirectly, and other “person” as well as any “person” by whom such “person” was controlled with respect to the matter in question.

9. The word “Including” shall mean “including but not limited to.”

10. “Livingston,” “You,” and “Your” shall mean Livingston Pecan & Metal, Inc., and each of its agents, attorneys, accountants, consultants, officers, commissioners, employees, independent contractors, and any other individual or entity associated or affiliated with it or purporting to act on its behalf.

11. “DSRR” shall mean line-owner Delta Southern Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

12. “NLA” shall mean the North Louisiana and Arkansas Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

13. The “Line” means the portion from milepost (“MP”) 471.0 to MP 498.44 of the DSRR line that runs from Lake Providence, Louisiana (MP 47.0) to the point of interchange with the Kansas City Southern Railway Company (“KCS”) at Tallulah, Louisiana, which is the complete and only subject of the amended feeder line application filed on January 3, 2023.

14. The phrase “request for rail service” shall mean any request made to Complex Chemical that is specific to a commodity and date that Complex Chemical provided said rail service.

15. “Proceeding” shall mean Surface Transportation Board Docket No. FD 36447.

16. The interrogatories herein are to be answered under oath within thirty (30) days of service. The documents and things requested are to be produced within thirty (30) days of service at the offices of Gentry Locke, 919 E. Main St. Suite 1130, Richmond, VA 23219. You may produce documents electronically, via email to scheib@gentrylocke.com

17. These discovery requests are continuing, and you must supplement your responses if you obtain further or different information.

18. Unless otherwise specified in the Interrogatory or Request for Production of Documents, the time period for these requests is January 1, 2017 to the present.

INTERROGATORIES

INTERROGATORY NO. 1

Identify any and all persons who can bind Livingston through his or her testimony in a legal proceeding.

INTERROGATORY NO. 2

Is it Livingston's position the DSRR has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 3

If the answer to Interrogatory No. 2 is yes, identify all dates on which Livingston made a request for rail service from DSRR from January 1, 2023 to present.

INTERROGATORY NO. 4

If the answer to Interrogatory No. 2 is yes, identify all dates on which Livingston made a request for rail service from DSRR from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 5

Is it Livingston's position the NLA has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 6

If the answer to Interrogatory No. 5 is yes, identify all dates on which Livingston made a request for rail service from NLA from January 1, 2023 to present.

INTERROGATORY NO. 7

If the answer to Interrogatory No. 5 is yes, identify all dates on which Livingston made a request for rail service from NLA from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 8

Identify all communications between Livingston and DSRR regarding any failure of rail service by DSRR. For each communication identified, provide the date of the communication and names and titles of all participants to the communication.

INTERROGATORY NO. 9

Identify all communications between Livingston and DSRR or NLA regarding any failure of rail service by NLA. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 10

Identify all communications between Livingston and any third-party entity or person regarding this Proceeding, a feeder line application for any part of DSRR's rail line, or taking a rail line from

DSRR by any means. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 11

Identify all facts that support the statement in paragraph 4 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has "would not upgrade the track to a point where it would be able to reopen interchange with NLA."

INTERROGATORY NO. 12

Identify all "positive steps" that DSRR has taken to "repair" the Line, as referenced in paragraph 4 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding.

INTERROGATORY NO. 13

Identify all facts that support the statement in paragraph 5 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has "suddenly refused to commit its share of the funds to upgrade the most crucial segment of the track that had to be rebuilt so that our traffic could be returned to rail service[.]"

INTERROGATORY NO. 14

Identify all "extra freight charges" referenced in paragraph 5 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, regarding "routing via NLA to McGehee and then UP to Monroe where it would be interchanged with KCS."

INTERROGATORY NO. 15

Identify all facts that support the statement in paragraph 6 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that "DSRR's track is constantly clogged with stored railcars."

INTERROGATORY NO. 16

Identify all facts that support the statement in paragraph 7 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has "been trying to sell its stock for several years."

INTERROGATORY NO. 17

Identify all facts that support the statement in paragraph 7 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has "wasted more than 7 years to take action to rebuild the track to the point where rail service could be safely provided."

INTERROGATORY NO. 18

Identify all facts that support the statement in paragraph 7 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has "no interest in promoting small businesses . . . [and] ha[s] harmed the public convenience and necessity."

INTERROGATORY NO. 19

Identify all facts that support the statement in paragraph 7 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has refused "to work with the multiple shippers on the Lake Providence Line[.]"

INTERROGATORY NO. 20

Are you aware of NLA interchanging railcars with DSRR since January 1, 2023, yes or no?

INTERROGATORY NO. 21

Have you ever had an attorney-client relationship with Richard H. Streeter? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

INTERROGATORY NO. 22

Have you ever had an attorney-client relationship with Michael F. McBride? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

REQUESTS FOR PRODUCTION OF DOCUMENTS ("RFPs")

RFP NO. 1

Produce all documents supporting your Answer to Interrogatory No. 2.

RFP NO. 2

Produce all documents supporting your Answer to Interrogatory No. 3.

RFP NO. 3

Produce all documents supporting your Answer to Interrogatory No. 4.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 5.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 6.

RFP NO. 5

Produce all documents supporting your Answer to Interrogatory No. 7.

RFP NO. 6

Produce all documents supporting your Answer to Interrogatory No. 8.

RFP NO. 7

Produce all documents supporting your Answer to Interrogatory No. 9.

RFP NO. 8

Produce all documents supporting your Answer to Interrogatory No. 10.

RFP NO. 9

Produce all records of all Livingston rail shipments received or sent on DSRR from January 1, 1990 to present.

RFP NO. 10

Produce all documents and communications regarding any requests for support of Louisiana Senate Bill 146 or Louisiana Act 334, including but not limited to requests for letters to members of the Louisiana State Senate, the Louisiana State House of Representatives, the Governor of Louisiana, the Secretary of Transportation, the Louisiana Port Association, or the Louisiana Director of Ports.

RFP NO. 11

Produce all drafts of the verified statements filed in this Proceeding.

RFP NO. 12

Produce all communications regarding drafts of verified statements or affidavits mentioning DSRR whether filed in this Proceeding or not.

RFP NO. 13

Produce all documents that support the statement in paragraph 4 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has "would not upgrade the track to a point where it would be able to reopen interchange with NLA."

RFP NO. 14

Produce all documents that support the statement in paragraph 5 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has "suddenly refused to commit its share of the funds to upgrade the most crucial segment of the track that had to be rebuilt so that our traffic could be returned to rail service[.]"

RFP NO. 15

Produce all documents evidencing the "extra freight charges" referenced in paragraph 5 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, regarding "routing via NLA to McGehee and then UP to Monroe where it would be interchanged with KCS."

RFP NO. 16

Produce all documents discussing or analyzing Livingston's options to ship by rail, including via various rail routes mentioned in paragraph 5 of Mr. Blake Livingston's verified statement, or by truck, including but not limited to all cost analyses.

RFP NO. 17

Produce all documents that support the statement in paragraph 6 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that "DSRR's track is constantly clogged with stored railcars."

RFP NO. 18

Produce all documents that support the statement in paragraph 7 of Mr. Blake Livingston's verified statement, which was submitted by Livingston in this proceeding, that DSRR has refused "to work with the multiple shippers on the Lake Providence Line[.]"

RFP NO. 19

Produce all documents discussing Livingston's choice to ship by rail or by truck, including but not limited to all cost analyses.

RFP NO. 20

Produce all communications and documents discussing NLA service issues, including NLA derailments, failures to provide service, and delays in service.

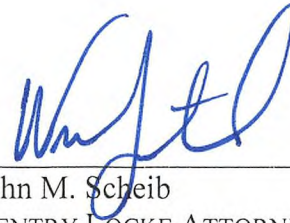
RFP NO. 21

Produce all communications discussing or referencing this Proceeding or any legal action against or involving DSRR.

RFP NO. 22

Produce all documents supporting your Answer to Interrogatory No. 20.

Respectfully submitted,



John M. Scheib
GENTRY LOCKE ATTORNEYS
101 West Main Street, Suite 705
Norfolk, VA 23510
757-916-3511

Noah P. Sullivan
GENTRY LOCKE ATTORNEYS
919 E Main St Ste 1130
Richmond, VA 23219
804-297-3700

William L. Spotswood
GENTRY LOCKE ATTORNEYS
10 Franklin Road, SE, Suite 900
Roanoke, VA 24011
540-983-9300

Attorneys for:
Delta Southern Railroad Inc.

Dated: October 13, 2025.

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by Federal Express on the following:

Blake Livingston
Vice President
Livingston Pecan & Metal, Inc.
219 Commerce Street
Lake Village, AR 71653

The following foregoing document was also served by email on the following:

Mr. Richard H. Streeter
5255 Partridge Lane, NW
Washington, DC 20016
rhstreeter@gmail.com

Mr. Michael F. McBride
Van Ness Feldman
1050 Thomas Jefferson Street, NW
Seventh Floor
Washington, DC 20007
mfm@vnf.com



William L. Spotswood
Dated: October 13, 2025

Exhibit B -- Complex discovery requests



GENTRY LOCKE
Attorneys

John M. Scheib

Scheib@gentrylocke.com

P: (757) 916-3511

F: (540) 983-9400

October 13, 2025

VIA ELECTRONIC MAIL

Mr. Jerry J. Melton, President
Complex Chemical Company, Inc.
P.O. Box 1352
Tallulah, Louisiana
jmelton@complexchemical.com

***Re: Finance Docket No. 36447, Lake Providence Port Commission – Feeder Line
Application – Line of Delta Southern Railroad Located in East Carroll and Madison
Parishes, Louisiana.***

Mr. Melton :

Attached please find discovery requests served on your company by Delta Southern Railroad (“DSRR”) in the above-captioned legal action before the United States Surface Transportation Board. DSRR regrets that it has become necessary to serve these requests upon you given our two companies outstanding relationship. This discovery is served on you as a party that filed a verified statement in this proceeding. If the answers to interrogatory numbers 2 and 5 are “no”, we can work with you to simplify the document requests.

Sincerely,

/s/ John M. Scheib

John M. Scheib

Attorney for: Delta Southern Railroad, Inc.

cc: Noah P. Sullivan, Esq.
Richard H. Streeter, Esq.
Michael F. McBride, Esq.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

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

**DELTA SOUTHERN RAILROAD INC.’S FIRST SET OF INTERROGATORIES AND
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO COMPLEX CHEMICAL COMPANY, INC.**

Delta Southern Railroad Inc. (“DSRR”), through counsel, hereby serves its First Set of Interrogatories and First Set of Requests for Production of Documents upon Complex Chemical Company, Inc. (“Complex”) in the above-captioned matter, pursuant to 49 C.F.R § 1114, *et seq.* Complex’s responses and any objections are due to be served on DSRR within 14 days of service of these discovery requests.

INSTRUCTIONS AND DEFINITIONS

1. “Document(s)” shall mean anything on or in which data or information is recorded or stored, including, but not limited to: writings or representations of every kind, correspondence, electronic mail and files, text messages, memoranda, notes, statements, paraphrases or summaries of statements, drawings, tabulations, charts, graphs, plans, maps, sketches, photographs, brochures, diaries, records, rules, regulations, summaries, reports, report forms, studies, papers, work papers, letters, books, notebooks, schedules, lists, worksheets, agreements, contracts, records of telephone calls or any other communications or conversations, telegrams, teletypes, radiograms, cables, discs, tapes or any other forms of mechanical recordings of all statements not reduced to writing, film, microfilm, computer printouts and computations potentially generated to summarize

information stored in computer storage by whatever means. The word “Document(s)” also includes, but is not limited to, all handwritten, typed, printed and photocopied matter, including all marginal notations and drafts, duplicates, carbon copies and any other copies thereof, all electronically stored documents such as information stored on computer drives, hard discs, diskettes, floppy discs, DVD, CD, memory sticks, any other means of electronic storage, and all information posted online such as information posted on social media or a blog, even if such information was later edited or deleted.

2. When asked to “describe” or “explain in detail” or “describe in detail” an act, occurrence, event, transaction or communication, the description or explanation should include, but is not limited to, the following:

- a. The date, time and place;
- b. The name of each person present, whether or not a participant;
- c. The explanation or description should reference underlying facts rather than ultimate facts or conclusions of fact or law.

3. If any of the information included in the answers to these interrogatories is not within the personal knowledge of the person certifying the answers to these interrogatories, so indicate in each instance where such information is included, and identify each person and/or document from whom/which such information was obtained.

4. The connectors “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests any information that might otherwise be construed to be outside the scope of the interrogatory or request.

5. “Identify” with respect to a document means set forth the following information, if known: a general description (e.g., letter, memorandum, report, etc.); a brief summary of its contents, or a description of the subject matter it concerns; the name and address of the persons, if any, who drafted, prepared, compiled or signed it; and any other descriptive information necessary in order to adequately describe it in a subpoena *duces tecum* or in a motion or request for production.

6. “Identify” with respect to a person means set forth the person’s full name, last known home address and telephone number, cellphone number, email address, current occupation and position, the last known address and telephone number of the person's place of employment and his job title.

7. “Identify,” when referring to any communication, means to state the date of the communication; the nature of the communication (oral, written, etc.); the identity of the parties to the communication; the subject matter of the communication; and the identity of any documents arising from, reflecting, recording, or relating to the communication.

8. The word “person” shall mean any individual, firm partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any “person” acting by or through, directly or indirectly, and other “person” as well as any “person” by whom such “person” was controlled with respect to the matter in question.

9. The word “Including” shall mean “including but not limited to.”

10. “Complex,” “You,” and “Your” shall mean Complex Chemical Company, Inc., and each of its agents, attorneys, accountants, consultants, officers, commissioners, employees, independent contractors, and any other individual or entity associated or affiliated with it or purporting to act on its behalf.

11. “DSRR” shall mean line-owner Delta Southern Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

12. “NLA” shall mean the North Louisiana and Arkansas Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

13. The “Line” means the portion from milepost (“MP”) 471.0 to MP 498.44 of the DSRR line that runs from Lake Providence, Louisiana (MP 47.0) to the point of interchange with the Kansas City Southern Railway Company (“KCS”) at Tallulah, Louisiana, which is the complete and only subject of the amended feeder line application filed on January 3, 2023.

14. The phrase “request for rail service” shall mean any request made to Complex Chemical that is specific to a commodity and date that Complex Chemical provided said rail service.

15. “Proceeding” shall mean Surface Transportation Board Docket No. FD 36447.

16. The interrogatories herein are to be answered under oath within thirty (30) days of service. The documents and things requested are to be produced within thirty (30) days of service at the offices of Gentry Locke, 919 E. Main St. Suite 1130, Richmond, VA 23219. You may produce documents electronically, via email to scheib@gentrylocke.com

17. These discovery requests are continuing, and you must supplement your responses if you obtain further or different information.

18. Unless otherwise specified in the Interrogatory or Request for Production of Documents, the time period for these requests is January 1, 2017 to the present.

INTERROGATORIES

INTERROGATORY NO. 1

Identify any and all persons who can bind Complex through his or her testimony in a legal proceeding.

INTERROGATORY NO. 2

Is it Complex's position the DSRR has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 3

If the answer to Interrogatory No. 2 is yes, identify all dates on which Complex made a request for rail service from DSRR from January 1, 2023 to present.

INTERROGATORY NO. 4

If the answer to Interrogatory No. 2 is yes, identify all dates on which Complex made a request for rail service from DSRR from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 5

Is it Complex's position the NLA has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 6

If the answer to Interrogatory No. 5 is yes, identify all dates on which Complex made a request for rail service from NLA from January 1, 2023 to present.

INTERROGATORY NO. 7

If the answer to Interrogatory No. 5 is yes, identify all dates on which Complex made a request for rail service from NLA from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 8

Identify all communications between Complex and DSRR regarding any failure of rail service by DSRR. For each communication identified, provide the date of the communication and names and titles of all participants to the communication.

INTERROGATORY NO. 9

Identify all communications between Complex and DSRR or NLA regarding any failure of rail service by NLA. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 10

Identify all communications between Complex and any third-party entity or person regarding this Proceeding, a feeder line application for any part of DSRR's rail line, or taking a rail line from

DSRR by any means. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 11

Identify all facts that support the statement in paragraph 3 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR has "refus[ed] to maintain its line between MP 471.0 and 491.0."

INTERROGATORY NO. 12

Identify all facts that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR is "refus[ing] to bear the cost of maintaining its own line."

INTERROGATORY NO. 13

Identify all facts that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR "excessively" blocks the entrance of the Port when "switching rental storage cars."

INTERROGATORY NO 14

Explain the basis for the statement in paragraph 7 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that "Complex Chemical has been the largest of DSRR's customers."

INTERROGATORY NO. 15

Explain the basis for the statement in paragraph 7 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that Complex Chemical has been "the major shipper on the direct line to UP at McGehee, Arkansas."

INTERROGATORY NO. 16

Are you aware of NLA interchanging railcars with DSRR since January 1, 2023, yes or no?

INTERROGATORY NO. 17

Have you ever had an attorney-client relationship with Richard H. Streeter? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

INTERROGATORY NO. 18

Have you ever had an attorney-client relationship with Michael F. McBride? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

REQUESTS FOR PRODUCTION OF DOCUMENTS ("RFPs")

RFP NO. 1

Produce all documents supporting your Answer to Interrogatory No. 2.

RFP NO. 2

Produce all documents supporting your Answer to Interrogatory No. 3.

RFP NO. 3

Produce all documents supporting your Answer to Interrogatory No. 4.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 5.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 6.

RFP NO. 5

Produce all documents supporting your Answer to Interrogatory No. 7.

RFP NO. 6

Produce all documents supporting your Answer to Interrogatory No. 8.

RFP NO. 7

Produce all documents supporting your Answer to Interrogatory No. 9.

RFP NO. 8

Produce all documents supporting your Answer to Interrogatory No. 10.

RFP NO. 9

Produce all documents supporting your Answer to Interrogatory No. 14, including records of all Complex rail shipments received or sent on DSRR from January 1, 1990 to present.

RFP NO. 10

Produce all documents supporting your Answer to Interrogatory No. 15, including records of all Complex rail shipments received or sent on DSRR from January 1, 1990 to present.

RFP NO. 11

Produce all documents and communications regarding any requests for support of Louisiana Senate Bill 146 or Louisiana Act 334, including but not limited to requests for letters to members of the Louisiana State Senate, the Louisiana State House of Representatives, the Governor of Louisiana, the Secretary of Transportation, the Louisiana Port Association, or the Louisiana Director of Ports.

RFP NO. 12

Produce all drafts of the verified statements filed in this Proceeding.

RFP NO. 13

Produce all communications regarding drafts of verified statements or affidavits mentioning DSRR whether filed in this Proceeding or not.

RFP NO. 14

Produce all documents that support the statement in paragraph 3 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR has "refus[ed] to maintain its line between MP 471.0 and 491.0."

RFP NO. 15

Produce all documents that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR is "refus[ing] to bear the cost of maintaining its own line."

RFP NO. 16

Produce all documents discussing Complex's choice to ship by rail or by truck, including but not limited to all cost analyses.

RFP NO. 17

Produce all documents that support the statement in paragraph 6 of Mr. Jerry J. Melton's verified statement, which was submitted by Complex in this proceeding, that DSRR "excessively" blocks the entrance of the Port when "switching rental storage cars."

RFP NO. 18

Produce all documents discussing or analyzing Complex's options to ship by rail, including via various rail routes mentioned in paragraph 3 of Mr. Jerry J. Melton's verified statement, or by truck, including but not limited to all cost analyses.

RFP NO. 19

Produce all communications and documents discussing NLA service issues, including NLA derailments, failures to provide service, and delays in service.

RFP NO. 20

Produce all communications discussing or referencing this Proceeding or any legal action against or involving DSRR.

RFP NO. 21

Produce all documents supporting your Answer to Interrogatory No. 16.

Respectfully submitted,



John M. Scheib
GENTRY LOCKE ATTORNEYS
101 West Main Street, Suite 705
Norfolk, VA 23510
757-916-3511

Noah P. Sullivan
GENTRY LOCKE ATTORNEYS
919 E Main St Ste 1130
Richmond, VA 23219
804-297-3700

William L. Spotswood
GENTRY LOCKE ATTORNEYS
10 Franklin Road, SE, Suite 900
Roanoke, VA 24011
540-983-9300

Attorneys for:
Delta Southern Railroad Inc.

Dated: October 13, 2025.

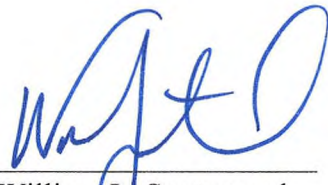
CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by email on the following:

Mr. Jerry J. Melton, President
Complex Chemical Company, Inc.
P.O. Box 1352
Tallulah, Louisiana
jmelton@complexchemical.com

Mr. Richard H. Streeter
5255 Partridge Lane, NW
Washington, DC 20016
rhstreeter@gmail.com

Mr. Michael F. McBride
Van Ness Feldman
1050 Thomas Jefferson Street, NW
Seventh Floor
Washington, DC 20007
mfm@vnf.com



William L. Spotswood
Dated: October 13, 2025

Exhibit C -- Hollybrook discovery requests



GENTRY LOCKE
Attorneys

William L. Spotswood
spotswood@gentrylocke.com
P: 540.983.9329
F: 540.983.9400

October 22, 2025

Via Federal Express

Mr. Robert N. Amacker, Jr.
10971 Hwy 65 South
Lake Providence, Louisiana 71254

Re: **LAKE PROVIDENCE PORT COMMISSION – FEEDER LINE
APPLICATION – LINE OF DELTA SOUTHERN RAILROAD LOCATED
IN EAST CARROLL AND MADISON PARISHES, LOUISIANA.**

Dear Mr. Amacker:

Attached please find discovery requests served on your company by Delta Southern Railroad (“DSRR”) in the above-captioned legal action before the United States Surface Transportation Board. DSRR regrets that it has become necessary to serve these requests upon you given our two companies outstanding relationship. This discovery is served on you as a party that filed a verified statement in this proceeding. If the answers to interrogatory numbers 2 and 5 are “no,” we can work with you to simplify the document requests.

If you have any questions, feel free to contact me at Spotswood@gentrylocke.com.

Very truly yours,

GENTRY LOCKE


William L. Spotswood

WLS:lal
Enclosure

c: Noah P. Sullivan, Esq.
Richard H. Streeter, Esq.
Michael F. McBride, Esq.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

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

**DELTA SOUTHERN RAILROAD INC.’S FIRST SET OF INTERROGATORIES AND
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO HOLLYBROOK WAREHOUSE, INC.**

Delta Southern Railroad Inc. (“DSRR”), through counsel, hereby serves its First Set of Interrogatories and First Set of Requests for Production of Documents upon Hollybrook Warehouse, Inc. (“Hollybrook”) in the above-captioned matter, pursuant to 49 C.F.R. § 1114, *et seq.* Hollybrook’s responses and any objections are due to be served on DSRR within 14 days of service of these discovery requests.

INSTRUCTIONS AND DEFINITIONS

1. “Document(s)” shall mean anything on or in which data or information is recorded or stored, including, but not limited to: writings or representations of every kind, correspondence, electronic mail and files, text messages, memoranda, notes, statements, paraphrases or summaries of statements, drawings, tabulations, charts, graphs, plans, maps, sketches, photographs, brochures, diaries, records, rules, regulations, summaries, reports, report forms, studies, papers, work papers, letters, books, notebooks, schedules, lists, worksheets, agreements, contracts, records of telephone calls or any other communications or conversations, telegrams, teletypes, radiograms, cables, discs, tapes or any other forms of mechanical recordings of all statements not reduced to writing, film, microfilm, computer printouts and computations potentially generated to summarize

information stored in computer storage by whatever means. The word “Document(s)” also includes, but is not limited to, all handwritten, typed, printed and photocopied matter, including all marginal notations and drafts, duplicates, carbon copies and any other copies thereof, all electronically stored documents such as information stored on computer drives, hard discs, diskettes, floppy discs, DVD, CD, memory sticks, any other means of electronic storage, and all information posted online such as information posted on social media or a blog, even if such information was later edited or deleted.

2. When asked to “describe” or “explain in detail” or “describe in detail” an act, occurrence, event, transaction or communication, the description or explanation should include, but is not limited to, the following:

- a. The date, time and place;
- b. The name of each person present, whether or not a participant;
- c. The explanation or description should reference underlying facts rather than ultimate facts or conclusions of fact or law.

3. If any of the information included in the answers to these interrogatories is not within the personal knowledge of the person certifying the answers to these interrogatories, so indicate in each instance where such information is included, and identify each person and/or document from whom/which such information was obtained.

4. The connectors “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests any information that might otherwise be construed to be outside the scope of the interrogatory or request.

5. “Identify” with respect to a document means set forth the following information, if known: a general description (e.g., letter, memorandum, report, etc.); a brief summary of its contents, or a description of the subject matter it concerns; the name and address of the persons, if any, who drafted, prepared, compiled or signed it; and any other descriptive information necessary in order to adequately describe it in a subpoena *duces tecum* or in a motion or request for production.

6. “Identify” with respect to a person means set forth the person’s full name, last known home address and telephone number, cellphone number, email address, current occupation and position, the last known address and telephone number of the person's place of employment and his job title.

7. “Identify,” when referring to any communication, means to state the date of the communication; the nature of the communication (oral, written, etc.); the identity of the parties to the communication; the subject matter of the communication; and the identity of any documents arising from, reflecting, recording, or relating to the communication.

8. The word “person” shall mean any individual, firm partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any “person” acting by or through, directly or indirectly, and other “person” as well as any “person” by whom such “person” was controlled with respect to the matter in question.

9. The word “Including” shall mean “including but not limited to.”

10. “Hollybrook,” “You,” and “Your” shall mean Livingston Pecan & Metal, Inc., and each of its agents, attorneys, accountants, consultants, officers, commissioners, employees, independent contractors, and any other individual or entity associated or affiliated with it or purporting to act on its behalf.

11. “DSRR” shall mean line-owner Delta Southern Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

12. “NLA” shall mean the North Louisiana and Arkansas Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

13. The “Line” means the portion from milepost (“MP”) 471.0 to MP 498.44 of the DSRR line that runs from Lake Providence, Louisiana (MP 47.0) to the point of interchange with the Kansas City Southern Railway Company (“KCS”) at Tallulah, Louisiana, which is the complete and only subject of the amended feeder line application filed on January 3, 2023.

14. The phrase “request for rail service” shall mean any request made to Complex Chemical that is specific to a commodity and date that Complex Chemical provided said rail service.

15. “Proceeding” shall mean Surface Transportation Board Docket No. FD 36447.

16. The interrogatories herein are to be answered under oath within thirty (30) days of service. The documents and things requested are to be produced within thirty (30) days of service at the offices of Gentry Locke, 919 E. Main St. Suite 1130, Richmond, VA 23219. You may produce documents electronically, via email to scheib@gentrylocke.com

17. These discovery requests are continuing, and you must supplement your responses if you obtain further or different information.

18. Unless otherwise specified in the Interrogatory or Request for Production of Documents, the time period for these requests is January 1, 2017 to the present.

INTERROGATORIES

INTERROGATORY NO. 1

Identify any and all persons who can bind Hollybrook through his or her testimony in a legal proceeding.

INTERROGATORY NO. 2

Is it Hollybrook's position the DSRR has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 3

If the answer to Interrogatory No. 2 is yes, identify all dates on which Hollybrook made a request for rail service from DSRR from January 1, 2023 to present.

INTERROGATORY NO. 4

If the answer to Interrogatory No. 2 is yes, identify all dates on which Hollybrook made a request for rail service from DSRR from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 5

Is it Hollybrook's position the NLA has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 6

If the answer to Interrogatory No. 5 is yes, identify all dates on which Hollybrook made a request for rail service from NLA from January 1, 2023 to present.

INTERROGATORY NO. 7

If the answer to Interrogatory No. 5 is yes, identify all dates on which Hollybrook made a request for rail service from NLA from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 8

Identify all communications between Hollybrook and DSRR regarding any failure of rail service by DSRR. For each communication identified, provide the date of the communication and names and titles of all participants to the communication.

INTERROGATORY NO. 9

Identify all communications between Hollybrook and DSRR or NLA regarding any failure of rail service by NLA. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 10

Identify all communications between Hollybrook and any third-party entity or person regarding this Proceeding, a feeder line application for any part of DSRR's rail line, or taking a rail line from

DSRR by any means. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 11

Identify all facts that support the statement in paragraph 4 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding, that DSRR and/or Mr. William Wainwright "allowed the Line to deteriorate to the point that it could not be safely operated."

INTERROGATORY NO. 12

Identify the time frame covered by the statement in paragraph 4 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding, that DSRR "could not efficiently operate" the track north of milepost 471.0, and that "all rail traffic ground to a halt."

INTERROGATORY NO. 13.

Identify each instance in which Hollybrook made a request for rail service during the time period covered by paragraph 4 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding.

INTERROGATORY NO. 14

Identify the time period covered by the allegations made in paragraph 5 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding.

INTERROGATORY NO. 15

Identify each instance in which Hollybrook made a request for rail service during the time period covered by the statement in paragraph 5 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding, that rail service "did not improve" under DSRR's ownership.

INTERROGATORY NO. 18

Are you aware of NLA interchanging railcars with DSRR since January 1, 2023, yes or no?

INTERROGATORY NO. 19

Have you ever had an attorney-client relationship with Richard H. Streeter? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

INTERROGATORY NO. 20

Have you ever had an attorney-client relationship with Michael F. McBride? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

INTERROGATORY NO. 21

Provide the date on which Hollybrook last made a request for rail service to DSRR and describe the request.

INTERROGATORY NO. 22

Provide the date on which DSRR last contacted you about rail service offerings.

REQUESTS FOR PRODUCTION OF DOCUMENTS (“RFPs”)

RFP NO. 1

Produce all documents supporting your Answer to Interrogatory No. 2.

RFP NO. 2

Produce all documents supporting your Answer to Interrogatory No. 3.

RFP NO. 3

Produce all documents supporting your Answer to Interrogatory No. 4.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 5.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 6.

RFP NO. 5

Produce all documents supporting your Answer to Interrogatory No. 7.

RFP NO. 6

Produce all documents supporting your Answer to Interrogatory No. 8.

RFP NO. 7

Produce all documents supporting your Answer to Interrogatory No. 9.

RFP NO. 8

Produce all documents supporting your Answer to Interrogatory No. 10.

RFP NO. 9

Produce all records of all Hollybrook rail shipments received or sent on DSRR from January 1, 1990 to present.

RFP NO. 10

Produce all documents and communications regarding any requests for support of Louisiana Senate Bill 146 or Louisiana Act 334, including but not limited to requests for letters to members of the Louisiana State Senate, the Louisiana State House of Representatives, the Governor of Louisiana, the Secretary of Transportation, the Louisiana Port Association, or the Louisiana Director of Ports.

RFP NO. 11

Produce all drafts of the verified statements filed in this Proceeding.

RFP NO. 12

Produce all communications regarding drafts of verified statements or affidavits mentioning DSRR whether filed in this Proceeding or not.

RFP NO. 13

Produce all documents that support the statement in paragraph 4 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding, that DSRR and/or Mr. William Wainwright "allowed the Line to deteriorate to the point that it could not be safely operated."

RFP NO. 14

Produce all documents that support the statement in paragraph 4 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding, that DSRR "could not efficiently operate" the track north of milepost 471.0, and that "all rail traffic ground to a halt."

RFP NO. 15

Produce all documents regarding the communication between Hollybrook, Mr. Craig Huff, and Mr. Danny Robbins, referenced in paragraph 5 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding.

RFP NO. 16

Produce all documents that support the statement in paragraph 5 of Mr. Robert N. Amacker, Jr.'s verified statement, which was submitted by Hollybrook in this proceeding, that rail service "did not improve" under DSRR's ownership.

RFP NO. 17

Produce all documents regarding any and all “maintenance activities” that DSRR has performed on the Line, as referenced in paragraph 5 of Mr. Robert N. Amacker, Jr.’s verified statement, which was submitted by Hollybrook in this proceeding.

RFP NO. 18

Produce all documents that support the statement in paragraph 6 of Mr. Robert N. Amacker, Jr.’s verified statement, which was submitted by Hollybrook in this proceeding, that “DSRR’s owners refused to commit to use any of those funds [\$10.5 million from the U.S. Department of Transportation] to restore the section of the Line that would be used to provide service to Hollybrook.”

RFP NO. 19

Produce all documents discussing Hollybrook’s choice to ship by rail or by truck, including but not limited to all cost analyses.

RFP NO. 20

Produce all communications and documents discussing NLA service issues, including NLA derailments, failures to provide service, and delays in service.

RFP NO. 21

Produce all communications discussing or referencing this Proceeding or any legal action against or involving DSRR.

RFP NO. 22

Produce all documents supporting your Answer to Interrogatory No. 11

RFP NO. 23

Produce all documents supporting your Answer to Interrogatory No. 13.

RFP NO. 24

Produce all documents supporting your Answer to Interrogatory No. 15.

RFP NO. 25

Produce all documents supporting your Answer to Interrogatory No. 17.

RFP NO. 26

Produce all documents supporting your Answer to Interrogatory No. 21.

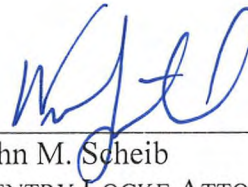
RFP NO. 27

Produce all documents supporting your Answer to Interrogatory No. 22.

RFP NO. 27

Produce all documents related to this Surface Transportation Board proceeding.

Respectfully submitted,



John M. Scheib
GENTRY LOCKE ATTORNEYS
101 West Main Street, Suite 705
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757-916-3511

Noah P. Sullivan
GENTRY LOCKE ATTORNEYS
919 E Main St Ste 1130
Richmond, VA 23219
804-297-3700

William L. Spotswood
GENTRY LOCKE ATTORNEYS
10 Franklin Road, SE, Suite 900
Roanoke, VA 24011
540-983-9300

Attorneys for:
Delta Southern Railroad Inc.

Dated: October 22, 2025.

CERTIFICATE OF SERVICE

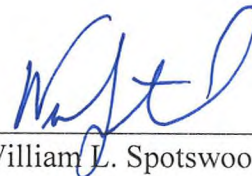
I hereby certify that on this date a copy of the foregoing document was served by Federal Express on the following:

Mr. Robert N. Amacker, Jr.
10971 Hwy 65 South
Lake Providence, Louisiana 71254

I further certify that on this date a copy of the foregoing document was served by email on the following:

Mr. Richard H. Streeter
5255 Partridge Lane, NW
Washington, DC 20016
rhstreeter@gmail.com

Mr. Michael F. McBride
Van Ness Feldman
1050 Thomas Jefferson Street, NW
Seventh Floor
Washington, DC 20007
mfm@vnf.com



William L. Spotswood
Dated: October 22, 2025

Exhibit D -- Epstein discovery requests.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

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

**DELTA SOUTHERN RAILROAD INC.’S FIRST SET OF INTERROGATORIES AND
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
TO EPSTEIN GIN CO. D/B/A EPSTEIN TRANSLOADING**

Delta Southern Railroad Inc. (“DSRR”), through counsel, hereby serves its First Set of Interrogatories and First Set of Requests for Production of Documents upon Epstein Gin Co. d/b/a Epstein Transloading (“Epstein”) in the above-captioned matter, pursuant to 49 C.F.R § 1114, *et seq.* Epstein’s responses and any objections are due to be served on DSRR within 14 days of service of these discovery requests.

INSTRUCTIONS AND DEFINITIONS

1. “Document(s)” shall mean anything on or in which data or information is recorded or stored, including, but not limited to: writings or representations of every kind, correspondence, electronic mail and files, text messages, memoranda, notes, statements, paraphrases or summaries of statements, drawings, tabulations, charts, graphs, plans, maps, sketches, photographs, brochures, diaries, records, rules, regulations, summaries, reports, report forms, studies, papers, work papers, letters, books, notebooks, schedules, lists, worksheets, agreements, contracts, records of telephone calls or any other communications or conversations, telegrams, teletypes, radiograms, cables, discs, tapes or any other forms of mechanical recordings of all statements not reduced to writing, film, microfilm, computer printouts and computations potentially generated to summarize

information stored in computer storage by whatever means. The word “Document(s)” also includes, but is not limited to, all handwritten, typed, printed and photocopied matter, including all marginal notations and drafts, duplicates, carbon copies and any other copies thereof, all electronically stored documents such as information stored on computer drives, hard discs, diskettes, floppy discs, DVD, CD, memory sticks, any other means of electronic storage, and all information posted online such as information posted on social media or a blog, even if such information was later edited or deleted.

2. When asked to “describe” or “explain in detail” or “describe in detail” an act, occurrence, event, transaction or communication, the description or explanation should include, but is not limited to, the following:

- a. The date, time and place;
- b. The name of each person present, whether or not a participant;
- c. The explanation or description should reference underlying facts rather than ultimate facts or conclusions of fact or law.

3. If any of the information included in the answers to these interrogatories is not within the personal knowledge of the person certifying the answers to these interrogatories, so indicate in each instance where such information is included, and identify each person and/or document from whom/which such information was obtained.

4. The connectors “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests any information that might otherwise be construed to be outside the scope of the interrogatory or request.

5. “Identify” with respect to a document means set forth the following information, if known: a general description (e.g., letter, memorandum, report, etc.); a brief summary of its contents, or a description of the subject matter it concerns; the name and address of the persons, if any, who drafted, prepared, compiled or signed it; and any other descriptive information necessary in order to adequately describe it in a subpoena *duces tecum* or in a motion or request for production.

6. “Identify” with respect to a person means set forth the person’s full name, last known home address and telephone number, cellphone number, email address, current occupation and position, the last known address and telephone number of the person's place of employment and his job title.

7. “Identify,” when referring to any communication, means to state the date of the communication; the nature of the communication (oral, written, etc.); the identity of the parties to the communication; the subject matter of the communication; and the identity of any documents arising from, reflecting, recording, or relating to the communication.

8. The word “person” shall mean any individual, firm partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any “person” acting by or through, directly or indirectly, and other “person” as well as any “person” by whom such “person” was controlled with respect to the matter in question.

9. The word “Including” shall mean “including but not limited to.”

10. “Epstein,” “You,” and “Your” shall mean Epstein Gin Co., and each of its agents, attorneys, accountants, consultants, officers, commissioners, employees, independent contractors, and any other individual or entity associated or affiliated with it or purporting to act on its behalf.

11. “DSRR” shall mean line-owner Delta Southern Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

12. “NLA” shall mean the North Louisiana and Arkansas Railroad, Inc., and each of its agents, attorneys, accountants, consultants, officers, directors, employees, independent contractors, affiliates, and any other individual or entity associated or affiliated with it, or purporting to act on behalf of it.

13. The “Line” means the portion from milepost (“MP”) 471.0 to MP 498.44 of the DSRR line that runs from Lake Providence, Louisiana (MP 47.0) to the point of interchange with the Kansas City Southern Railway Company (“KCS”) at Tallulah, Louisiana, which is the complete and only subject of the amended feeder line application filed on January 3, 2023.

14. The phrase “request for rail service” shall mean any request made to Epstein that is specific to a commodity and date that Epstein provided said rail service.

15. “Proceeding” shall mean Surface Transportation Board Docket No. FD 36447.

16. The interrogatories herein are to be answered under oath within fourteen (14) days of service. The documents and things requested are to be produced within fourteen (14) days of service at the offices of Gentry Locke, 919 E. Main St. Suite 1130, Richmond, VA 23219. You may produce documents electronically, via email to scheib@gentrylocke.com

17. These discovery requests are continuing, and you must supplement your responses if you obtain further or different information.

18. Unless otherwise specified in the Interrogatory or Request for Production of Documents, the time period for these requests is January 1, 2017 to the present.

INTERROGATORIES

INTERROGATORY NO. 1

Identify any and all persons who can bind Epstein through his or her testimony in a legal proceeding.

INTERROGATORY NO. 2

Is it Epstein's position the DSRR has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 3

If the answer to Interrogatory No. 2 is yes, identify all dates on which Epstein made a request for rail service from DSRR from January 1, 2023 to present.

INTERROGATORY NO. 4

If the answer to Interrogatory No. 2 is yes, identify all dates on which Epstein made a request for rail service from DSRR from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 5

Is it Epstein's position the NLA has not provided adequate service upon a request for rail service, yes or no?

INTERROGATORY NO. 6

If the answer to Interrogatory No. 5 is yes, identify all dates on which Epstein made a request for rail service from NLA from January 1, 2023 to present.

INTERROGATORY NO. 7

If the answer to Interrogatory No. 5 is yes, identify all dates on which Epstein made a request for rail service from NLA from January 1, 1990 to January 1, 2023.

INTERROGATORY NO. 8

Identify all communications between Epstein and DSRR regarding any failure of rail service by DSRR. For each communication identified, provide the date of the communication and names and titles of all participants to the communication.

INTERROGATORY NO. 9

Identify all communications between Epstein and DSRR or NLA regarding any failure of rail service by NLA. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 10

Identify all communications between Epstein and any third-party entity or person regarding this Proceeding, a feeder line application for any part of DSRR's rail line, or taking a rail line from DSRR by any means. For each communication identified, provide the date of the communication and the names and titles of all participants to the communication.

INTERROGATORY NO. 11

Identify all “derailments attributed to DSRR’s deteriorated tracks,” as referenced in paragraph 3 of Mr. Sam E. Angel, II’s verified statement, which was submitted by Epstein in this proceeding.

INTERROGATORY NO. 12

Identify all facts that support the statement in paragraph 3 of Mr. Sam E. Angel, II’s verified statement, which was submitted by Epstein in this proceeding, that DSRR has “denied interchange rail service” to Epstein and/or the companies for which Epstein loads rail cars.

INTERROGATORY NO. 13

Identify all facts that support the statement in paragraph 4 of Mr. Sam E. Angel, II’s verified statement, which was submitted by Epstein in this proceeding, that DSRR “allowed the track to disintegrate to the point that the high-center-of-gravity Hopper cars used to transport our products could not safely be operated[.]”

INTERROGATORY NO. 14

Identify all facts that support the statement in paragraph 4 of Mr. Sam E. Angel, II’s verified statement, which was submitted by Epstein in this proceeding, that DSRR’s rail service was “horrendous” and/or “unreliable.”

INTERROGATORY NO. 15

Identify all facts that support the statement in paragraph 6 of Mr. Sam E. Angel, II's verified statement, which was submitted by Epstein in this proceeding, that DSRR "refused to take any steps to rebuild the segment of track that must be rebuilt before Epstein Gin can reach KCS."

INTERROGATORY NO. 16

Are you aware of NLA interchanging railcars with DSRR since January 1, 2023, yes or no?

INTERROGATORY NO. 17

Have you ever had an attorney-client relationship with Richard H. Streeter? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

INTERROGATORY NO. 18

Have you ever had an attorney-client relationship with Michael F. McBride? If so, please state the dates of the relationship and the matter(s) for which Mr. Streeter represented you.

REQUESTS FOR PRODUCTION OF DOCUMENTS ("RFPs")

RFP NO. 1

Produce all documents supporting your Answer to Interrogatory No. 2.

RFP NO. 2

Produce all documents supporting your Answer to Interrogatory No. 3.

RFP NO. 3

Produce all documents supporting your Answer to Interrogatory No. 4.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 5.

RFP NO. 4

Produce all documents supporting your Answer to Interrogatory No. 6.

RFP NO. 5

Produce all documents supporting your Answer to Interrogatory No. 7.

RFP NO. 6

Produce all documents supporting your Answer to Interrogatory No. 8.

RFP NO. 7

Produce all documents supporting your Answer to Interrogatory No. 9.

RFP NO. 8

Produce all documents supporting your Answer to Interrogatory No. 10.

RFP NO. 9

Produce all records of all Epstein rail shipments received or sent on DSRR from January 1, 1990 to present.

RFP NO. 10

Produce all documents and communications regarding any requests for support of Louisiana Senate Bill 146 or Louisiana Act 334, including but not limited to requests for letters to members of the Louisiana State Senate, the Louisiana State House of Representatives, the Governor of Louisiana, the Secretary of Transportation, the Louisiana Port Association, or the Louisiana Director of Ports.

RFP NO. 11

Produce all drafts of the verified statements filed in this Proceeding.

RFP NO. 12

Produce all communications regarding drafts of verified statements or affidavits mentioning DSRR whether filed in this Proceeding or not.

RFP NO. 13

Produce all documents regarding any “derailments attributed to DSRR’s deteriorated tracks,” as referenced in paragraph 3 of Mr. Sam E. Angel, II’s verified statement, which was submitted by Epstein in this proceeding.

RFP NO. 14

Produce all documents that support the statement in paragraph 3 of Mr. Sam E. Angel, II's verified statement, which was submitted by Epstein in this proceeding, that DSRR has "denied interchange rail service" to Epstein and/or the companies for which Epstein loads rail cars.

RFP NO. 15

Produce all documents discussing Epstein's choice to ship by rail or by truck, including but not limited to all cost analyses.

RFP NO. 16

Produce all documents discussing or analyzing Epstein's options to ship by rail, including via various rail routes mentioned in paragraph 3 of Mr. Sam E. Angel, II's verified statement, or by truck, including but not limited to all cost analyses.

RFP NO. 17

Produce all documents that support the statement in paragraph 6 of Mr. Sam E. Angel, II's verified statement, which was submitted by Epstein in this proceeding, that DSRR "refused to take any steps to rebuild the segment of track that must be rebuilt before Epstein Gin can reach KCS."

RFP NO. 18

Produce all communications and documents discussing NLA service issues, including NLA derailments, failures to provide service, and delays in service.

RFP NO. 19

Produce all communications discussing or referencing this Proceeding or any legal action against or involving DSRR.

RFP NO. 20

Produce all documents supporting your Answer to Interrogatory No. 16.

Respectfully submitted,

John M. Scheib
GENTRY LOCKE ATTORNEYS
101 West Main Street, Suite 705
Norfolk, VA 23510
757-916-3511

Noah P. Sullivan
GENTRY LOCKE ATTORNEYS
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William L. Spotswood
GENTRY LOCKE ATTORNEYS
10 Franklin Road, SE, Suite 900
Roanoke, VA 24011
540-983-9300

Attorneys for:
Delta Southern Railroad Inc.

Dated: October 24, 2025.

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by email on the following:

Mr. Richard H. Streeter
5255 Partridge Lane, NW
Washington, DC 20016
rhstreeter@gmail.com

Mr. Michael F. McBride
Van Ness Feldman
1050 Thomas Jefferson Street, NW
Seventh Floor
Washington, DC 20007
mfm@vnf.com

William L. Spotswood
Dated: October 24, 2025

Exhibit E -- Letter from Blake Livingston to John Scheib (undated)

Livingston Pecan & Metal Inc.

John Scheib, Esq.

Gentry Locke Attorneys

101 Main Street, Suite 705

Norfolk, VA 23510

Re: STB Finance Docket No. 36447, Lake Providence Port Commission –
Feeder Line Application – Line of Delta Southern Railroad in East Carroll
and Madison Parishes, Louisiana

Dear Mr. Scheib:

I received your October 13, 2025 Interrogatories and Requests for Production of Documents on behalf of Delta Southern Railroad Inc. addressed to my company in the above-referenced Surface Transportation Board proceeding.

Our only role in the referenced STB proceeding was to submit my verified witness statement that was included with LPPC's feeder-line application.

As a non-party witness, neither I nor my company are obliged to respond to discovery requests such as interrogatories and requests for production of documents. Accordingly, we do not intend to respond to your discovery requests.

Very truly yours,

Blake Livingston

Exhibit F -- Letter from Mr. Glover Russell to John Scheib (October 27, 2025)

Glover Russell, P.A.
Attorneys and Counselors at Law

Glover Alcorn Russell, Jr. J.D.,LL.M., C.P.A.
Email: russ@gloverrussell.com

Glover Alcorn Russell, III, J.D., M.B.A.
Email: trey@gloverrussell.com

William Harrison Russell, J.D., LL.M., C.P.A.
Email: will@gloverrussell.com

The Plaza Building
120 North Congress Street, Suite 600
Jackson, Mississippi 39201
Office: (601) 709-7000
Fax: (601) 709-7005

Client 1197.001

October 27, 2025

Via Electronic Mail
scheib@gentrylocke.com
John M. Scheib, J.D.
Gentry Locke
101 W. Main Street, Suite 705
Norfolk, VA 23510

Re: Finance Docket No. 36447, Lake Providence Port Commission - Feeder Line
Application - Line of Delta Southern Railroad Located in East Carroll and Madison
Parishes, Louisiana.

Dear Mr. Scheib

I am writing on behalf of our firm's client, Complex Chemical Company Inc., ("Complex Chemical") in regards to your letter addressed to Jerry J. Melton, President, dated October 13, 2025, attaching Delta Southern Railroad, Inc.'s First Set of Interrogatories and First Set of Requests for Production of Documents to Complex Chemical.

Complex Chemical is not a "party" to the above referenced matter. Not being a "party", Complex Chemical is not subject to the discovery that Delta Southern Railroad, Inc. has propounded upon it. Accordingly, Complex Chemical is not responding to the said discovery requests.

Sincerely,

GLOVER RUSSELL, a Professional Association



Glover Alcorn "Russ" Russell Jr., J.D., L.L.M., C.P.A

GAR/rmf

Exhibit G -- Letter from William Mencer to John Scheib (October 23, 2025)

LAW OFFICE OF WILLIAM L. MENCER, LLC

WILLIAM L. MENCER

ATTORNEY AT LAW

LICENSED IN
ARKANSAS & MISSISSIPPI

POST OFFICE BOX 523
LAKE VILLAGE, ARKANSAS 71653

(870) 265-6737
william@mencerlaw.com

October 23, 2025

John Scheib, Esq.
Gentry Locke Attorneys
101 Main Street, Suite 705
Norfolk, Virginia 23510
scheib@gentrylocke.com

Via Electronic Mail

**Re: Finance Docket No. 36447, Lake Providence Port Commission –
Feeder Line Application – Line of Delta Southern Railroad
Located in East Carroll and Madison Parishes, Louisiana**

Mr. Scheib:

Epstein Gin Co. d/b/a Epstein Transloading (“Epstein”) received your October 13, 2025 Interrogatories and Requests for Production of Documents on behalf of Delta Southern Railroad, Inc. in the above-referenced Surface Transportation Board (“STB”) proceeding.

I must first bring to your attention a significant inconsistency in your discovery requests regarding response deadlines. The first paragraph of your discovery requests state that responses and objections are due within fourteen (14) days of service, while paragraph sixteen (16) of the instructions within the discovery requests specify that responses are due within thirty (30) days of service. This inconsistency creates uncertainty regarding compliance with procedural requirements under 49 C.F.R § 1114, *et seq.*, however we respectfully submit this letter now to avoid confusion on this matter.

Epstein’s only role in the above-referenced STB proceeding was to merely submit a verified statement of support that was included with Lake Providence Port Commission’s (“LPPC”) feeder-line application. As a non-party to the STB proceeding, neither Mr. Angel nor Epstein are obliged to respond to discovery requests such as interrogatories and requests for production of documents under the applicable federal procedural rules governing STB proceedings. Accordingly, my client does not intend to respond to your discovery requests.

Additionally, I must clarify that Epstein has no association, affiliation, or business relationship with Complex Chemical. Several of your discovery requests appear to reference Complex Chemical or assume some connection between the two companies. Epstein cannot and will not respond to any discovery requests seeking information about Complex

Chemical, as it has no knowledge of their operations, communications, or business activities. Any attempt to compel responses regarding Complex Chemical would exceed the scope of permissible discovery under federal jurisdiction, as Epstein lacks any legal basis or factual knowledge to provide such information.

Sincerely yours,

/s/ William L. Mencer

William L. Mencer
Attorney for Epstein Gin Co. d/b/a Epstein Transloading

cc: Richard H. Steeter, Esq.
Michael F. McBride, Esq.
Noah P. Sullivan, Esq.

Exhibit H -- Letters from Jacob Brister to William Spotswood (dated November 4, 2025 and received November 10, 2025).

BRISTER LAW FIRM

(A Professional Law Corporation)

318 Morgan Street

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Lake Providence, Louisiana 71254

Phone: (318) 559-5800

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KENNETH A. "ANDY" BRISTER

Admitted in:

*Louisiana, Mississippi, Arkansas,
Colorado & District of Columbia*

JACOB A. BRISTER

Admitted in:

Louisiana, Mississippi & Arkansas

November 4, 2025

Gentry Locke

Attn: William L. Spotswood

P.O. Box 40013

Roanoke, VA 24022-0013

Re: *STB Docket FD No. 36447, Lake Providence Port Commission – Feeder Line
Application – Line of Delta Southern Railroad located in East Carroll and Madison Parishes,
Louisiana.*

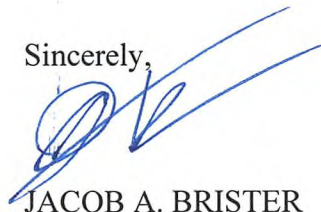
Dear Mr. Spotswood,

I am writing on behalf of our firm's client, Hollybrook Warehouse, Inc. regarding your letters addressed to President, Robert N. Amacker, Jr., dated October 22, 2025, attaching Delta Southern Railroad's First Set of Interrogatories and Requests for Production as well as a Notice of Deposition.

Hollybrook Warehouse, Inc. is not a "party" to the above referenced matter. Because they are not a party, Hollybrook Warehouse, Inc. is not subject to the discovery that Delta Southern Railroad, Inc. has propounded upon it. Thus, Hollybrook Warehouse, Inc. is not responding to the said discovery requests nor will they participate in depositions.

With kindest regards, I am

Sincerely,



JACOB A. BRISTER