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NOR 42144, *et al*
(consolidated)

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

a. POET Nutrition and POET Ethanol – The POET complainants have completed their responses and production to UP’s discovery requests. Depositions of representatives of the POET entities are scheduled to occur on April 27-28, 2017.

b. Cargill, Incorporated – Cargill has substantially completed its search for hardcopy documents. Cargill is also currently working to complete the final phase of its responses to UP’s

discovery requests – the search and review of relevant emails accounts. Cargill has extracted and is searching approximately 200,000 emails and other electronic documents in order to identify, review and produce documents responsive to UP’s discovery requests.

2. Outstanding Discovery Matters

Complainants’ principal outstanding concern with UP’s discovery production continues to be the lack of a privilege log from UP for the reasons discussed in Complainants’ First Bi-Weekly Status Report. Complainants’ other principal concern continues to be the third party discovery sought by UP from the four tank car owners. Both concerns were discussed at the April 19, 2017 status conference before Judge Dring.

3. Participants’ Plans to Address Outstanding Discovery

a. Cargill is currently working to complete the search, review and production of email and other electronic documents, and expects to complete production by May 19, 2017. Cargill anticipates that it will produce its privilege log approximately one week following the completion of the production of email and hard-copy/archived documents. Cargill will also be prepared to schedule the deposition requested by UP during May 2017, following the completion of its supplemental responses and production of documents responsive to UP’s written discovery. Cargill, Incorporated expects to complete its responses and production of data and documents to all outstanding written discovery requests from UP by May 19, 2017.

4. Estimated Time Required to Address Outstanding Discovery Concerns

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



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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2017, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or a more expeditious manner of delivery, on all of the parties of record in NOR 42144, *et al* (consolidated).

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



Thomas W. Wilcox