

**BEFORE THE
SURFACE TRANSPORTATION BOARD**


Sanimax USA LLC,

Complainant,

v.

Union Pacific Railroad Company,

Defendant.

 GRANTED Office of Proceedings	DECISION ID NO.: <u>51986</u>
	DECIDED DATE: <u>12/15/2023</u>
	SERVED DATE: <u>12/15/2023</u>
	APPROVED: <u><i>M. Paul</i></u> Director
<input type="checkbox"/>	_____

JOINT MOTION TO POSTPONE BRIEFING ON DAMAGES ARGUMENTS

Sanimax USA LLC (“Sanimax”) and Union Pacific Railroad Company (“UP”) jointly submit this request to postpone briefing on the parties’ damages arguments and evidence, as directed by the Surface Transportation Board’s decision on November 3, 2023, by thirty (30) days. The parties have agreed to conduct negotiations that could potentially resolve the dispute. The parties believe that postponing the damages arguments and evidence briefing by thirty (30) days will give the parties time for negotiations.

For the foregoing reason, Sanimax and UP respectfully request the Board postpone the briefing deadlines and propose the following schedule:

- Sanimax shall present its damages arguments and evidence by January 17, 2024.
- UP may respond to Sanimax’s damages arguments and evidence by February 16, 2024.

Date filed: December 14, 2023

Respectfully submitted,

/s/ Richard F. Riley, Jr.

Richard F. Riley, Jr.
R. Nicholas Englund
Foley & Lardner LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington DC 20007-5109
Telephone 202.295.4712
Facsimile 202.672.5399
Email contact rriley@foley.com

William C. McCaughey
Foley & Lardner LLP
90 Park Ave, 37th Floor
New York, NY 10016
Telephone 212-338-3425

Attorneys for Complainant

/s/ Matthew J. Warren

Raymond A. Atkins, Esq.
Matthew J. Warren, Esq.
Morgan B. Lindsay, Esq.
Sidley Austin LLP
1501 K Street, N.W.
Washington DC 20005
ratkins @ sidley.com
mjwarren @ sidley.com
morgan.lindsay @ sidley.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2023, the foregoing Joint Motion to Postpone Briefing on Damages Arguments was served by email and first-class mail on Union Pacific's attorneys and on the Association of American Railroads at the following addresses:

Raymond A. Atkins, Esq.
Matthew J. Warren, Esq.
Morgan B. Lindsay, Esq.
Sidley Austin LLP
1501 K Street, N.W.
Washington DC 20005

ratkins @ sidley.com
mjwarren @ sidley.com
morgan.lindsay @ sidley.com

J. Frederick Miller Jr., Esq.
Association of American Railroads
425 3rd Street, S.W., Suite 1000
Washington DC 20024

fmler @ aar.org

/s/ Richard F. Riley, Jr.

Richard F. Riley, Jr.