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January 31, 2023

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
January 31, 2023
Part of
Public Record

**Re: Finance Docket No. 36447, Lake Providence Port Comm.— Feeder Line
Application—Line of Delta South. R.R. Located in East Carroll and Madison
Parishes, LA.**

Dear Ms. Brown:

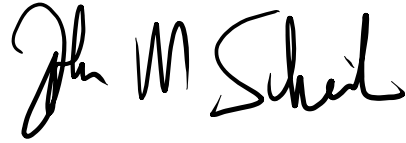
Lake Providence Port Commission (“LPPC”), in response to the Surface Transportation Board’s (“STB”) order permitting it to file an amended feeder line application in this docket, filed such amended application on January 3, 2023.

The STB decision granting LPPC the opportunity to file an amended feeder line application directed LPPC “to submit *all* evidence and argument in support of its” amended application “in accordance with the requirements specified in 49 C.F.R. § 1151.3, without incorporation by reference of its previous application or any other filings.” *Lake Providence Port Comm.— Feeder Line Application—Line of Delta South. R.R. located in East Carroll and Madison Parishes, LA.* STB Finance Docket 36447 at 5 (Aug. 23, 2022)(emphasis added). The STB further explained that “LPPC has submitted numerous filings in this proceeding asserting various arguments on the merits throughout those filings. To ensure the fair and orderly resolution of LPPC’s feeder line request, LPPC *must* include in its amended application *all of the arguments and evidence* on which it will rely.” *Id.* at 7 (emphasis added).

LPPC has ignored that decision and is attempting yet again to move the target by filing on January 25, 2023, a “Motion to Supplement” its amended feeder line application. Moreover, the information provided in such motion is not new. It is a document from 2015 that was filed in the court proceeding before the Chancery Court in Delaware referenced by counsel for LPPC. However, an examination of the record of that court proceeding does not show any new documents having been filed in that proceeding since March 2022 (see attached).

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Respectfully,

A handwritten signature in black ink, appearing to read "John M. Scheib". The signature is fluid and cursive, with the first name "John" and last name "Scheib" being more prominent than the middle initial "M".

John M. Scheib

Attachment

cc: All Parties of Record in Docket No. FD 36447

[Click to Print](#)

Printed on: 1/31/2023 12:56:47 GMT-0500 (Eastern Standard Time)

Case History Search

Search Created:

1/31/2023 12:56:47 GMT-0500 (Eastern Standard Time)

Court:	DE Court of Chancery Civil Action	Judge:	Laster, J Travis	File & ServeXpress Live Date:	1/14/2022
Division:	N/A	Case Number:	2022-0040-JTL	Document(s) Filed:	25
Case Type:	Complaint - Inspection of Books & Records	Case Name:	Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Date Range:	All

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Transaction	▼ Date/Time	Option	Case Number Case Name	Authorizer Organization	#	Document Type	Document Title	Review Status	Size
67379601	3/9/2022 12:52 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Scott J Leonhardt, Rosner Law Group LLC	14	Letter	Letter to The Honorable J. Travis Laster dated March 9, 2022 from Scott J. Leonhardt enclosing courtesy copies of Defendant West Branch Intermediate Holdings, LLC's Answer to Verified Complaint for Inspection of Books and Records Pursuant to 6 Del. C. § 18- 305 • Linked to (1)	Accepted	0.1MB
67377208	3/8/2022 4:53 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	J Travis Laster, DE Court of Chancery Civil Action	13	Order - Pro Hac Vice	Granted (Kozlowski, Michael Proposed Form of Order for the Admission Pro Hac Vice) • Linked to (1)	Accepted	0.2MB
67376985	3/8/2022 4:29 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	J Travis Laster, DE Court of Chancery Civil Action	12	Order - Pro Hac Vice	Granted (Esbrook, Christopher Proposed Form of Order for the Admission Pro Hac Vice) • Linked to (1)	Accepted	0.2MB

67376685	3/8/2022 3:40 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Scott J Leonhardt, Rosner Law Group LLC	11	Motion for Pro Hac Vice	Motion for Admission Pro Hac Vice of Michael Kozlowski, Esquire on behalf of Defendant West Branch Intermediate Holdings, LLC • Linked to (1)	Accepted	0.1MB
						Proposed Order - Pro Hac Vice	Kozlowski, Michael Proposed Form of Order for the Admission Pro Hac Vice • Linked from (1)	Accepted	0.1MB
						Certification for Pro Hac Vice	Certification of Michael Kozlowski for the Admission Pro Hac Vice to Represent Defendant West Branch Intermediate Holdings, LLC	Accepted	0.1MB
67376616	3/8/2022 3:34 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Scott J Leonhardt, Rosner Law Group LLC	10	Motion for Pro Hac Vice	Motion for Admission Pro Hac Vice of Christopher J. Esbrook, Esquire on behalf of Defendant West Branch Intermediate Holdings, LLC with Certificate of Service • Linked to (1)	Accepted	0.1MB
						Proposed Order - Pro Hac Vice	Esbrook, Christopher Proposed Form of Order for the Admission Pro Hac Vice • Linked from (1)	Accepted	0.1MB
						Certification for Pro Hac Vice	Certification of Christopher J. Esbrook for the Admission Pro Hac Vice to Represent Defendant West Branch Intermediate Holdings, LLC	Accepted	0.1MB

67372743	3/7/2022 4:38 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Scott J Leonhardt, Rosner Law Group LLC	9	Answer	Defendant West Branch Intermediate Holdings, LLC's Answer to the Verified Complaint for Inspection of Books and Records Pursuant to 6 Del. C. § 18-305 • Linked to (1) • Linked from (1)	Accepted	0.6MB
						Certificate of Service	Certificate of Service for Defendant West Branch Intermediate Holdings, LLC's Answer to the Verified Complaint for Inspection of Books and Records Pursuant to 6 Del. C. § 18-305	Accepted	0.3MB
67330706	2/21/2022 9:53 AM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	J Travis Laster, DE Court of Chancery Civil Action	8	Order	Granted (Stipulation and [Proposed Order] for Further Extension of Deadline to Respond to Complaint) • Linked to (1)	Accepted	0.2MB
67329197	2/18/2022 3:21 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Jason Gibson, Rosner Law Group LLC	7	Stipulation & (Proposed) Order	Stipulation and [Proposed Order] for Further Extension of Deadline to Respond to Complaint • Linked to (1) • Linked from (1)	Accepted	0.1MB
67295411	2/7/2022 12:05 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	J Travis Laster, DE Court of Chancery Civil Action	6	Order	Granted (Stipulation and [Proposed Order] for Extension of Deadline to Respond to Complaint) • Linked to (1)	Accepted	0.2MB
67294713	2/7/2022 10:07 AM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Jason Gibson, Rosner Law Group LLC	5	Stipulation & (Proposed) Order	Stipulation and [Proposed Order] for Extension of Deadline to Respond to Complaint • Linked to (1)	Accepted	0.1MB

							<ul style="list-style-type: none"> Linked from (1) 		
67294019	2/4/2022 10:20 PM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Scott J Leonhardt, Rosner Law Group LLC	4	Entry of Appearance	Entry of Appearance of Scott J. Leonhardt and Jason A. Gibson of The Rosner Law Group LLC as counsel for Defendant West Branch Intermediate Holdings, LLC with Certificate of Service <ul style="list-style-type: none"> Linked to (1) 	Accepted	0.1MB
67242857	1/18/2022 4:50 PM EST	File Only	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Michael A Weidinger, Pinckney Weidinger Urban & Joyce LLC	3	Summons	Summons and Affidavit of Service Confirming Service upon Defendant West Branch Intermediate Holdings LLC, on January 18, 2022 Pursuant to 6 Del. C. Sec. 18-105 <ul style="list-style-type: none"> Linked to (2) 	Accepted	0.7MB
67239477	1/18/2022 8:45 AM EST	File And Serve	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Register in Chancery, DE Court of Chancery Civil Action	2	Issuance of Summons	Issued 18-105 Summons to Special Process Server (1 copy) <ul style="list-style-type: none"> Linked from (1) 	Accepted	0.1MB

67235756	1/14/2022 4:03 PM EST	File Only	2022-0040-JTL Continental Rail, LLC v. West Branch Intermediate Holdings, LLC	Michael A Weidinger, Pinckney Weidinger Urban & Joyce LLC	1	Complaint - Inspection Books/Records	Verified Complaint for Inspection of Books and Records Pursuant to 6 DEL. C. § 18- 305 • Linked from (7)	Accepted	0.3MB
						Declaration	Unsworn Declaration of John H. Marino, Jr. Pursuant to 10 Del. C. § 3927	Accepted	0.5MB
						Exhibits	Exhibits A-D to Verified Complaint for Inspection of Books and Records Pursuant to 6 DEL. C. § 18- 305	Accepted	3.4MB
						Motion to Expedite	Motion to Expedite Pursuant to 6 Del. 18-305	Accepted	0.3MB
						Proposed Order	[Proposed] Order to Motion to Expedite	Accepted	0.1MB
						Supplemental Information Sheet	Supplemental Information Pursuant to Rule 3(A) of the Rules of the Court of Chancery to the Verified Complaint	Accepted	0.5MB
						Summons Instructions	Summons Instructions Letter to the Register in Chancery from Michael A. Weidinger, Esq.	Accepted	0.1MB

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