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308445

July 3, 2024

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
July 3, 2024
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 Ms. Brown:

On June 27, 2024, Delta Southern Railroad, Inc. filed its Motion to Dismiss and for Attorneys' fees in light of a Louisiana court ruling that LPPC does not have the power to pursue its feeder line application. Yesterday, on July 2, 2024, the Judge entered an Amended Judgment in the proceeding, a copy of which is attached to this letter. The Amended Judgment adds language better reflecting the Judge's ruling and specifying that LPPC cannot pursue *this* feeder line application: "the Lake Providence Port Commission cease its *ultra vires* actions and discontinue its pursuit of ownership or control of property outside of East Carroll Parish in its feeder line application before the United States Surface Transportation Board, STB Docket No. FD 36447."

Respectfully submitted,

/s/ John M. Scheib

John M. Scheib
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Norfolk, VA 23510
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Attorney for:
Delta Southern Railroad, Inc.

cc: Judge Thomas McCarthy
Counsel of Record

WRIT OF QUO WARRANTO

DELTA SOUTHERN RAILROAD, INC. VERSUS LAKE PROVIDENCE PORT COMMISSION, WYLY GILFOIL, MARK BUNTYN, ROGER CLEMENT, JERRY KING, FRANCIS LENSING, KARVAN POWELL, AND JAMES THOM, IV.	NO. <u>23740</u> DIV. <u>B</u> 6 TH JUDICIAL DISTRICT COURT PARISH OF EAST CARROLL STATE OF LOUISIANA
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TO: LAKE PROVIDENCE PORT COMMISSION, THROUGH ITS AGENT, PORT DIRECTOR - WYLY GILFOIL, 409 PORT ROAD, LAKE PROVIDENCE, LA 71254-9801.

YOU ARE HEREBY NOTIFIED in the name of the State of Louisiana and of the Sixth Judicial District Court in and for the Parish of East Carroll of the JUDGMENT & ORDER AND AMENDED JUDGMENT & ORDER filed on the 24th and 26th day of June, 2024, a certified copy of said JUDGMENT & ORDER AND AMENDED JUDGMENT & ORDER is attached, for the above styled matter as follows:

➤ PLEASE SEE ATTACHED CERTIFIED DOCUMENTS.

WITNESS the Honorable JAMES H BODDIE JR, JUDGE AD HOC, Sixth Judicial District Court, Division B. Granted under the impress of the seal the 19th and 26th day of June, 2024.

*****THE CLERK OF COURT' S STAFF CANNOT PROVIDE LEGAL ADVICE*****

This WRIT was issued by the Clerk for the Court for the 6th Judicial District Court on the 27th day of June, 2024.

Requested by: LEAKE & ANDERSSON LLP
1100 POYDRAS ST, SUITE 1700
NEW ORLEANS, LA 70163-1701

Rene Thomas Williams
Clerk of Court

By: Jenny Ross
Deputy Clerk of Court
(SEAL)

RETURNED & FILED

DEPUTY CLERK OF COURT

SERVICE INFORMATION

PERSONAL SERVICE DOMICILIARY SERVICE
SERVICE MADE ON: _____
SERVICE DATE: _____
MILEAGE: _____ DEPUTY: _____

COPY

6TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST CARROLL

STATE OF LOUISIANA

CASE NO.: 23740

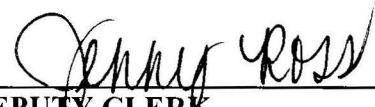
DIVISION "B"
HON. JAMES BODDIE,
AD HOC, PRESIDING

DELTA SOUTHERN RAILROAD, INC.

VERSUS

LAKE PROVIDENCE PORT COMMISSION, WYLY GILFOIL, MARK BUNTYN,
ROGER CLEMENT, JERRY KING, FRANCIS LENSING, KARVAN POWELL, AND
JAMES THOM, IV.

FILED: JUN 26 2024


DEPUTY CLERK

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AMENDED JUDGMENT & ORDER

The above-captioned matter came on for hearing on May 23, 2024, with the trial being conducted in the Madison Parish Courthouse by agreement of and for the convenience of the Court and all parties. Considering the Petition for Writs of Quo Warranto and/or Mandamus filed by Delta Southern Railroad, Inc. as well as the Answer of Defendants Lake Providence Port Commission, Wyly Gilfoil, Mark Buntyn, Roger Clement, Jerry King, Francis Lensing, Karvan Powell, and James Thom, IV; the pre-hearing briefs; the evidence received; the arguments of counsel in the above-entitled matter; and the Constitution and Laws of the State of Louisiana, and for the reasons announced in open court during the trial on May 23, 2024,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff Delta Southern Railroad, Inc.'s, Petition for Mandamus is DENIED;

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff Delta Southern Railroad, Inc.'s, Petition for Writ of Quo Warranto is GRANTED

and that the writ shall issue and be made executory ordering that the Lake Providence Port Commission cease its *ultra vires* actions and discontinue its pursuit of ownership or control of property outside of East Carroll Parish in its feeder line application before the United States Surface Transportation Board, STB Docket No. FD 36447.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that all costs of these proceedings are to be borne by Defendants to the extent allowable by law.

Signed at Tallulah, Louisiana, this 26 day of June 2024.


JAMES BODDIE, JUDGE AD HOC

SUBMITTED BY:

/s/ Leila A. D'Aquin

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-and-

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