## SURFACE TRANSPORTATION BOARD DENIES RAILROAD MOTION TO DISMISS; RESOLVES DISCOVERY DISPUTE AND GRANTS SHIPPER ACCESS TO RAILROAD INFORMATION VITAL TO CASE

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has denied a motion to dismiss a complaint filed by a shipper, Grain Land Coop (Grain Land), and that it has resolved a discovery dispute between Grain Land and Canadian Pacific Limited and Soo Line Railroad Company (CP) by giving Grain Land access to certain confidential CP information that is vital to Grain Land's case concerning rail car service. In the proceeding, Grain Land claims, among other things, that CP has discriminated against it and has failed to provide it with adequate cars. ï¿½During discovery, Grain Land sought certain information about other shippers, which CP refused to turn over on the ground that the law precludes it from releasing commercially sensitive information without the consent of the other shippers involved. ï¿½In an initial decision, CP was ordered to turn over the information, but with all references to the identity of particular shippers redacted. ï¿½Grain Land filed an appeal, alleging that it can not make its case unless it knows which shippers have received cars. ï¿½Agreeing that withholding of the information would preclude Grain Land from making its case, the Board directed CP to turn over the information to Grain Land's outside counsel, subject to a protective order precluding Grain Land's counsel from revealing sensitive information to anyone, including Grain Land itself.

The Board also denied CP's motion to dismiss the case. ï¿½It did, however, order Grain Land to respond to CP's requests for information as to the basis of Grain Land's claims.

The Board's decision was issued to the public on December 1, 1997, in *Grain Land Coop v. Canadian Pacific Limited and Soo Line Railroad Company D/B/A CP Rail System*, STB Docket No. 41687.*ï¿½*

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