

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CITY OF OZARK, ARKANSAS,
a municipal corporation

PLAINTIFF

V.

Case No. 2:14-CV-02196

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

ORDER OF DISMISSAL

On February 8, 2018, counsel for Plaintiff City of Ozark, Arkansas, notified the Court that the petition for declaratory judgment that it filed with the Surface Transportation Board ("STB") had been denied. See Doc. 94. Now that the STB has fully considered and rejected the City's request for relief, the stay of this matter will be lifted, and the Court will render its final decision regarding federal preemption of the City's claims.

IT IS THEREFORE ORDERED that the administrative stay entered on January 13, 2017, is **LIFTED**.

IT IS FURTHER ORDERED that, pursuant to the Opinion and Judgment of the Eighth Circuit (Docs. 89-1, 89-2) and this Court's Order (Doc. 90), the Court finds that the Interstate Commerce Commission Termination Act's express-preemption provision applies to this dispute and completely preempts the City's claims for declaratory and injunctive relief. Accordingly, this case is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED on this 14th day of February, 2018.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE