

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

BNSF LOGISTICS, LLC

PLAINTIFF

v.

Civil No. 07-5225

MCWHORTER DISTRIBUTION, INC.,
and CAMEL LOGISTICS

DEFENDANTS

CONSENT JUDGMENT

Now on this 20th day of October, 2008, comes on for consideration the parties' **Joint Motion For Entry Of Proposed Consent Judgment** (document #22), and the Court, being well and sufficiently advised, finds that Consent Judgment in substantially the form proposed by the parties should be entered. The parties agree to the following:

1. BNSF Logistics, LLC ("BNSFL") is an Arkansas corporation whose principal place of business is Springdale, Washington County, Arkansas.

2. McWhorter Distribution, Inc. ("McWhorter") is a corporation doing business in Arkansas.

3. Camel Logistics, Inc. ("Camel") is an Arkansas corporation with its principal place of business in Fayetteville, Washington County, Arkansas.

4. Plaintiff's claim for relief arises under **49 U.S.C. §14706**.

5. This Court has jurisdiction over the parties and the subject matter herein, and venue is properly laid.

6. Pursuant to contract entered on or about July 12, 2007, BNSFL retained the services of McWhorter to transport a shipment of cheese from Carthage, Missouri, to Sterling, Illinois.

7. McWhorter accepted the shipment for transit pursuant to Bills of Lading/Purchase Orders and retained Camel, which transported the load for delivery on or about July 16, 2007, when the load was rejected for high temperature and destroyed.

8. McWhorter and Camel are jointly and severally liable to BNSFL in the amount of \$67,832.99, which amount represents the full actual value of the shipment.

IT IS THEREFORE ORDERED that BNSF Logistics, LLC, have and recover judgment against McWhorter Distribution, Inc., and Camel Logistics, Inc., jointly and severally, in the sum of Sixty-Seven Thousand Eight Hundred Thirty-Two and 99/100 Dollars (\$67,832.99), same to draw interest at the rate of 4% per annum until paid.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE