

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

KANSAS CITY SOUTHERN)	
RAILWAY COMPANY and)	
NORFOLK SOUTHERN)	
RAILWAY COMPANY)	
)	
Plaintiffs,)	
)	
v.)	No. 09-3094
)	
RUSSELL E. KOELLER,)	
et al.,)	
)	
Defendants.)	

OPINION

This cause is before the Court on the Joint Status Report, Consent to Release of Funds, and Joint Motion for Stay of Proceedings (d/e 106) (the “Motion”) submitted by Plaintiffs Kansas City Southern Railway Company, Norfolk & Southern Railway Company (collectively “Railroads”) and Defendants Brady Lee Borrowman, Russell E. Koeller, Dan Lundberg and the Sny Island Levee Drainage District (“District”). The Motion (d/e 106) is GRANTED, and it is therefore ORDERED THAT:

1. The Clerk of this Court is directed to remit to Plaintiff Kansas City Southern Railway Company and the Norfolk Southern Railway Company the money paid by those entities to this Court in the above-referenced cause number, as follows:

a. \$85,544.26, plus any interest earned (less ten percent (10%) of interest earned owing to the Court), payable to Kansas City Southern Railroad Company;

b. \$93,917.34, plus any interest earned (less ten percent (10%) of interest earned owing to the Court), payable to Norfolk Southern Railway Company.

2. The checks shall be made payable to the respective railroads and shall be mailed to: Paul M. Brown, Thompson Coburn, LLP, One USBank Plaza #3500, St. Louis, MO 63101.

3. Any further rulings or proceedings are stayed in this case until the parties report back to this Court on the results of the proposed mediation.

Magistrate Judge Cudmore is available for mediation if the Parties so choose.

ENTERED: September 12, 2011

FOR THE COURT:

s/Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATE DISTRICT JUDGE