

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MELTON PROPERTIES, LLC., et al.

PLAINTIFFS

V.

NO. 4:18-CV-79-DMB-JMV

**ILLINOIS CENTRAL RAILROAD
COMPANY, et al.**

DEFENDANTS

ORDER EXTENDING STAY

On March 27, 2018, the plaintiffs commenced this action in the United States District Court for the Northern District of Mississippi, asserting state and federal claims arising from a toxic spill caused by a March 30, 2015, derailment of a railcar owned by Union Tank, which was being transported by “Illinois Central and/or Canadian National” on tracks “owned by Illinois Central and/or Canadian National.” Doc. #1. On September 29, 2020, this Court stayed for 90 days the plaintiffs’ remediation-related claims for injunctive relief under the doctrine of primary jurisdiction and, to avoid piecemeal litigation, also stayed the remediation-related claims for damages. Doc. #222 at 26–27. The Court thrice extended the stay for 180 days under the primary jurisdiction doctrine and conditioned any additional stay on a showing of good cause and lack of irreparable harm to the plaintiffs. Docs. #351, #376, #386. The most recent stay expired February 26, 2023.

On February 23, 2023, Illinois Central filed a motion to extend the stay an additional 180 days. Doc. #398. Illinois Central represents that it “continues to diligently implement the remedial plan approved by [the Mississippi Department of Environmental Quality (“MDEQ”)] and has made significant progress towards achieving the remedial goals.” *Id.* at 2. It further represents

that “[p]laintiffs’ counsel has informed [its] counsel ... that plaintiffs do not oppose the relief requested.” *Id.*

For all the reasons articulated in this Court’s previous stay orders¹ and based on the representations that remediation is ongoing and the plaintiffs do not oppose a further stay of this case, the Court concludes there is good cause to extend the stay and such extension will not result in irreparable harm to the plaintiffs. Illinois Central’s motion to extend stay [398] is **GRANTED**. The stay is extended under the primary jurisdiction doctrine by one hundred and eighty (180) days.

SO ORDERED, this 27th day of February, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ See Doc. #351 at 16–25; Doc. #376 at 8–15.