

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-853 (SUB-NO. 1X)

KANSAS & OKLAHOMA RAILROAD, L.L.C.
-- ABANDONMENT EXEMPTION --
IN HODGEMAN, COMANCHE, KIOWA AND PRATT COUNTIES, KANSAS

MOTION TO STRIKE



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ENTERED
Office of Proceedings
February 24, 2020
Part of
Public Record

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Attorney for:
KANSAS & OKLAHOMA
RAILROAD, L.L.C.

Dated: February 24, 2020

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Kansas & Oklahoma Railroad, L.L.C. ("K&O") hereby moves to strike the letter filed by Mr. Elster on February 4, 2020, in this proceeding. Pursuant to 49 CFR 1104.8, the Surface Transportation Board ("Board") may strike from the record "any redundant, irrelevant, immaterial, impertinent, or scandalous matter.... See *St. Louis Southwestern Ry. Co. Compensation – Trackage Rights*, 4 I.C.C.2d 668, 673 (1987).

Mr. Elster has now made four filings in this proceeding submitting redundant and immaterial matters. Moreover, Mr. Elster repeatedly tenders for filing impertinent matters that should be stricken from the record. For example, in his most recent filing, Mr. Elster falsely alleges that K&O has no interest in the rail line authorized for abandonment and that K&O has not filed a response to his repetitive and redundant allegations. As Mr. Elster well knows, on October 3, 2019, K&O filed Supplemental Information addressing Mr. Elster's allegations, pursuant to the Board's decision dated September 13, 2019.



In his most recent filing, Mr. Elster also alleges that in 1987, K&O quitclaimed a portion of the right-of-way to a third party that constructed a residence on the property. As Mr. Elster well knows, K&O did not own the right-of-way in 1987 and that the residence he refers to was on the right-of-way when K&O acquired the line.

Accordingly, K&O respectfully urges the Board to strike Mr. Elster's filing dated February 4, 2020.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karl Morell".

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2020, I served the forgoing document on all parties of record.

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a horizontal line underneath it.

Karl Morell