

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
June 3, 2020
Part of
Public Record

LEE ROY HAYNES—PETITION FOR DECLARATORY ORDER

STB FINANCE DOCKET NO. 36408

UNOPPOSED MOTION FOR EXTENSION OF TIME

Union Pacific Railroad Company hereby requests an extension of time to file its Reply to the Petition for Declaratory Order (“Petition”) filed by Lee Roy Haynes (“Haynes”) on May 22, 2020. Haynes has filed with the state court a motion to abate and refer the preemption issues to the STB (*see* Petition at 6), and the state court has scheduled a hearing on this motion for Monday, June 8th. It is the expectation of the parties that the state court will rule expeditiously on the motion.

Union Pacific therefore asks that its time to respond to the Petition be extended depending on how the state court rules. If the judge grants the motion to abate and to defer, then UP’s reply to the petition would be due 30 days after the date of the ruling. Haynes would then have 20 days to reply to UP’s reply. If, however, the judge denies the motion, then UP’s reply would be due 20 days after the date of the ruling. Haynes would again have a right to reply to UP’s response in 20 days. Union Pacific has conferred with Haynes’s counsel, who has indicated that Haynes does not object to the requested extension.

Union Pacific submits there is good cause to grant this brief extension, as the

nature and scope of UP's reply will depend on whether the state court refers the preemption issues to the STB, or instead denies the motion and moves forward to trial. For these reasons, Union Pacific respectfully requests an extension of the deadline to file a reply as set forth above. Union Pacific also requests expedited consideration of this unopposed motion because its reply is currently due on June 11, 2020.

Respectfully submitted,

/s/ Raymond A. Atkins

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Dated: June 3, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2020, a copy of the foregoing Unopposed Motion for Extension of Time was served by email on the following counsel of record:

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