

SERVICE DATE – JUNE 5, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36408

LEE ROY HAYNES—PETITION FOR DECLARATORY ORDER

Decided: June 5, 2020

On May 22, 2020, Lee Roy Haynes (Petitioner) filed with the Board a petition for declaratory order addressing whether certain claims he has raised in a pending Texas state court proceeding against Union Pacific Railroad Company (UP)¹ are preempted by federal law. On May 29, 2020, Petitioner submitted to the Board a copy of a motion he filed with the Texas court to abate and refer the preemption issues to the Board.

On June 3, 2020, UP filed a motion for an extension of time to reply to the petition. UP states that the Texas state court has scheduled a hearing on the motion to abate and refer on June 8, 2020, and that it is expected that the court will rule on the motion expeditiously. UP asks that the deadline for replying to the petition for declaratory order be extended until 30 days after the date the court rules on the motion to abate if it is granted, or 20 days after the date of ruling if the motion is denied. UP states that it has conferred with Petitioner's counsel and that Petitioner does not object to the requested extension.

Given the state court proceeding and the hearing on Petitioner's motion to abate and refer, an extension of the reply deadline is warranted. The deadline for replies to the petition will be extended until July 8, 2020 (30 days from the date of the state court hearing).

It is ordered:

1. Replies to the petition are due July 8, 2020.
2. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.

¹ Haynes v. Union Pac. R.R., No. 2015-53909 (189th Dist. Ct., Harris County, Tex.).