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October 7, 2020 301159

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
October 7, 2020
Part of
Public Record

By electronic filing

Re: STB FINANCE DOCKET NO. 35692
Eastside Community Rail, LLC – Acquisition and Operation Exemption–GNP
RLY, Inc

STB FINANCE DOCKET NO. 35730

Ballard Terminal Railroad Company, LLC -- Lease Exemption -- Eastside
Community Rail, LLC

Dear Ms. Brown:

Please accept for filing the accompanying correspondence submitted in behalf of GNP RLY, LLC, NW Signal Maintenance, LLC and Kevin Kucera in these matters.

Referencing BTRC's October 5, 2020 filing, Attachment A contains a material error. In BTRC's November 7, 2012 exemption filing. Ballard's then counsel, Myles Tobin, erroneously advised the STB on page 4, "In 2011, GNP RLY, Inc. filed for Bankruptcy in the United States Bankruptcy Court for the Western District of Washington." In fact, GNP's creditors, Engle and others, filed for the *involuntary* bankruptcy of GNP based in no small part on Engle having misappropriated GNP's freight easement (a/k/a "Deed"), GNP's major asset. Thus BTRC, whether wittingly or not, perpetuated Engle/ERC's fraudulent misconduct by mischaracterizing the nature of the bankruptcy proceeding, in effect whitewashing Engle's misconduct. The Board should construe the misstatement as further evidence that the 2012 exemptions should be voided *ab initio*.

Should the Board have any questions, kindly contact me directly, either by telephone (908) 361-7097 or by email jsavagelaw@aim.com.

Respectfully submitted,
James H. M. Savage

S/ James H. M. Savage
by electronic signature
James H. M. Savage
Counsel for **GNP RLY, LLC**
NW Signal Maintenance, LLC and
Kevin Kucera

cc: service list

Certificate of Service

I certify that I have this day served copies of all documents on parties or record in this proceeding, by electronic mail.

James H. M. Savage, Esq.

S/ James H. M. Savage
by electronic signature

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