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Office of Proceedings
February 14, 2022
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Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

February 13, 2022

Via e-filing

Re: Metro-North Commuter Railroad Company—Adverse Discontinuance of Trackage Rights—Housatonic Railroad Company, STB Docket No. AB-1311

Dear Ms. Brown:

By letter dated February 9, 2022, counsel for Metro North represented that discovery has been completed and has requested that the docket be removed from abeyance. In fact, discovery is not quite complete. When the deposition of Mr. Melillo, a Metro-North employee, was taken, Metro-North reserved the right for the deponent to read and sign the transcript prior to the transcript becoming final. That has not been done. It would be inappropriate for the Board to consider changing the status of the case until either the parties agree or Judge McCarthy determines that discovery is complete.

In a related circumstance, on February 7 the undersigned counsel underwent a serious surgical procedure and is currently unable to return to work. A post-surgical evaluation is scheduled to occur on February 23, at which time more information will be available. I respectfully request that this proceeding continue to be held in abeyance until at least March 1 and that the date for Housatonic Railroad to file a response to Metro-North's Petition, when established, not be earlier than March 23, 2022.

I contacted Mr. Spitulnik on February 10 to determine if he would agree to the requested medical delay but have not yet received a substantive reply.

Respectfully submitted,

/s/ Edward J. Rodriguez

Edward J. Rodriguez
Counsel for Housatonic Railroad Company

cc: parties of record