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By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36619, *City of North Chicago, Illinois -- Petition for
Declaratory Order*

Dear Ms. Brown:

The undersigned has been retained as co-counsel with John Quinn, Esq., to represent Respondent, 2nd & Main LLC, in the STB phase of this proceeding.^{1/}

On behalf of Respondent, this is to respectfully request that when the Board issues a procedural schedule, provision should be made for no less than 60 days from the date of issuance of that schedule for Respondent to file its reply to the Petition for Declaratory Order filed by the City of North Chicago, Illinois (the City).

Respondent has been advised that the City has agreed to that request.

The 60-day period for Respondent's reply is justified by the following:

(1) it took the City more than 60 days from the date of the Court's order to prepare and file the Petition for Declaratory Order; and

(2) the City has filed a 941-page Appendix to the Petition in addition to extensive argument and additional evidence not relevant to the issues for which the Court requested the Board's opinion; and

^{1/} It is likely that the Board will institute a proceeding to respond to the Court's request for the Board's opinion.

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(3) the Petition contains numerous allegations that go far beyond the limited issues for which the Court sought the Board's opinion; and

(4) it will take newly-retained co-counsel for Respondent additional time to become familiar with the record in the proceeding to date.

WHEREFORE, the Board should provide no less than 60 days from the date of issuance of the procedural schedule for Respondent to file its reply to the City's Petition.

Respectfully submitted,

Thomas F. McFarland
An Attorney for Respondent

TMcF:kl:1754-A\efSTB1

cc: Ms. Mary Jean Dolan, Esq., *mdolan@ancelglink.com*
Mr. John Quinn, Esq., *jquinn@grayslakelaw.com*
Mr. Philip N. Dahl, *philipndahl@msn.com*