

EXPEDITED TREATMENT REQUESTED

305743

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
December 6, 2022
Part of
Public Record

**BOROUGH OF DUMONT V. CSX TRANSPORTATION, INC.;
ABC CORPORATIONS; AND XYZ INDIVIDUALS**

STB DOCKET NO. NOR 42174

UNOPPOSED MOTION FOR EXTENSION OF TIME

CSX Transportation, Inc. ("CSXT") hereby requests an extension of time to file its answer to the Complaint for Property Damages ("STB Complaint") filed by the Borough of Dumont on November 17, 2022 in the above referenced docket. CSXT seeks an extension to file its answer on December 23, 2022. Counsel for the Borough of Dumont has informed CSXT that the Borough does not object to this extension of time.

The Borough of Dumont has filed a civil complaint in the Superior Court of New Jersey based on the same set of operative facts alleged in the STB Complaint. *See Borough of Dumont v. CSX Transp., Inc., et al.*, No. BER-L-005236-22 (filed Sept. 28, 2022). CSXT removed the state court action to federal court, and its answer in that action is currently due December 23, 2022. CSXT therefore asks that its time to file an answer to the STB Complaint be extended by 16 days, from December 7, 2022 to December 23, 2022, to align with the due date for the answer in the federal court litigation. CSXT has conferred with counsel for the Borough of

 GRANTED Office of Proceedings	DECISION ID NO.: 51528
	DECIDED DATE: 12/6/2022
	SERVED DATE: 12/7/2022
	APPROVED: <i>medail</i>
	Director
☐	

EXPEDITED TREATMENT REQUESTED

Dumont, who has indicated that the Borough does not object to the requested extension.

CSXT submits there is good cause to grant this brief extension, as the parallel proceedings in federal court and before the Board concern the same set of operative facts. For these reasons, CSXT respectfully requests an extension of the deadline to file an answer to the STB Complaint until December 23, 2022. CSXT also requests expedited consideration of this unopposed motion because its answer is currently due on December 7, 2022.

Respectfully submitted,

/s/ Matthew J. Warren

Matthew J. Warren
Allison C. Davis
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
(202) 736-8000

Dated: December 6, 2022

EXPEDITED TREATMENT REQUESTED

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2022, a copy of the foregoing Unopposed Motion for Extension of Time was served by email on the following counsel of record:

Marc E. Leibman
Rafael Corbalan
Chiesa, Shahinian & Giantomasi, P.C.
One Boland Drive
West Orange, NJ 07052
973-530-2326
mleibman@csglaw.com
rcorbalan@csglaw.com

/s/ Matthew J. Warren
Matthew J. Warren