

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36501**UNION PACIFIC RAILROAD COMPANY
—CONSTRUCTION AND OPERATION EXEMPTION—
IN MARICOPA COUNTY, AZ**

**MOTION FOR ROLLING PRODUCTION
OF ADDITIONAL RESPONSIVE DOCUMENTS**

The Board's December 11, 2023 Decision in the above-captioned proceeding instructed Union Pacific Railroad Company ("UP") to respond by January 25, 2024 to eight Information Requests and 17 Document Requests (not including subparts). UP has been working diligently to respond to the Board's Information Requests and to identify materials responsive to the Board's Document Requests, and on January 25 UP expects both to respond to all the Information Requests and to produce a quantity of responsive documents. However, UP needs additional time to complete its review of potentially responsive documents and to produce all responsive documents in a format that is clearly indexed to facilitate the Board's review. UP therefore requests that the Board amend the procedural schedule so as to allow UP twenty-one days of additional time to produce any additional responsive documents that it finds in its ongoing search. UP would complete its production on or before February 15, 2024.

In its effort to identify documents responsive to the Board's requests, UP used search terms designed to capture potentially responsive documents. Over

162,000 potentially responsive documents were captured initially. While UP was able to use software tools to eliminate some nonresponsive documents, approximately 60,000 documents need to be reviewed manually. UP's review of these documents is ongoing, but it will not be complete by January 25.

Due to the nature of the search terms (which were designed to capture any potentially responsive documents), many of the documents that UP has reviewed thus far are not actually responsive to the Board's requests. UP thus hopes that its eventual production to the Board will be substantially less than the tens of thousands of documents that UP is currently reviewing. The additional time requested by this Motion will allow UP to eliminate nonresponsive documents from its production.

For these reasons, UP respectfully requests that it be allowed to provide an initial set of documents on January 25, 2024, with a rolling production of additional documents through February 15, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2024, a copy of the foregoing Motion for Rolling Production of Additional Responsive Documents was served by email or first class mail on the service list to Finance Docket No. 36501.

/s/ Matthew J. Warren

Matthew J. Warren