

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36518

ENTERED
Office of Proceedings
April 18, 2024
Part of
Public Record

GRAFTON AND UPTON RAILROAD COMPANY --
PETITION FOR DECLARATORY ORDER

**STIPULATED MOTION OF GRAFTON AND UPTON RAILROAD COMPANY
AND HOPEDALE PROPERTIES, LLC
TO DISMISS PROCEEDING WITH PREJUDICE**

James E. Howard
57 Via Buena Vista
Monterey, CA 93940
831-324-0233
jim@jehowardlaw.com

W. Eric Pilsk
Kaplan Kirsch & Rockwell LLP
1634 I (Eye) St., NW, Suite 300
Washington, DC 20006
(202) 955-5600
epilsk@kaplankirsch.com

David Lurie
Harley Racer
LURIE FRIEDMAN LLP
One McKinley Square
Boston, MA 02109
(617) 367-1970
E-mail: dlurie@luriefriedman.com
E-mail: hracer@luriefriedman.com

*Attorney for Grafton and
Upton Railroad Company*

Attorneys for Hopedale Properties, LLC

Dated: April 18, 2024

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Grafton and Upton Railroad Company (“GURR”) initiated this proceeding on May 13, 2021, seeking a declaratory order to resolve a dispute with Hopedale Properties, LLC and certain of its affiliates regarding two private grade crossings of GURR’s line in Hopedale, Massachusetts. In a decision of the Board served on November 3, 2021, the Board held the proceeding in abeyance pending a decision by a state court in Massachusetts in actions pending at the time concerning certain property issues that, in the view of the Board, could moot the need for a declaratory order or inform the preemption analysis. The parties were directed to submit any decision by the state court regarding the merits of any of the claims in the case or any other decision relevant to this proceeding within 5 days of its issuance.

In August 2023, the parties entered into a Settlement Agreement and Mutual Release (“Settlement Agreement”) that contemplated the resolution of all of the disputes between them, including dismissal of the state court litigation and this proceeding, upon the implementation of various related actions and requirements prior to a closing pursuant to the Settlement Agreement. All conditions of closing pursuant to the Settlement Agreement have now occurred and the parties accordingly desire to dismiss the state court actions and this proceeding. Pursuant to Section 6 of

the Settlement Agreement, therefore, the parties hereby jointly request that the Board dismiss the petition for a declaratory order in this proceeding with prejudice.

Respectfully submitted,

/s/James E. Howard
James E. Howard
57 Via Buena Vista
Monterey, CA 93940
831-324-0233
jim@jehowardlaw.com

*Attorney for Grafton and
Upton Railroad Company*

/s/W. Eric Pilsk
W. Eric Pilsk
Kaplan Kirsch & Rockwell LLP
1634 I (Eye) St., NW, Suite 300
Washington, DC 20006
(202) 955-5600
epilsk@kaplankirsch.com

David Lurie
Harley Racer
LURIE FRIEDMAN LLP
One McKinley Square
Boston, MA 02109
(617) 367-1970
E-mail: dlurie@luriefriedman.com
E-mail: hracer@luriefriedman.com

Attorneys for Hopedale Properties, LLC

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