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ENTERED
Office of Proceedings
June 20, 2024
Part of
Public Record

June 19, 2024

E-Filed

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: Docket No. AB 857 (Sub-No. 2X), Colorado Landowners -- Adverse
Abandonment – Great Western Railway of Colorado, L.L.C. in Weld County,
Colorado

Motion To Reject

Dear Ms. Brown:

Great Western Railway of Colorado, L.L.C. ("GWRC") hereby urges the Surface Transportation Board to reject the letter submitted for filing on June 4, 2024, by the Colorado Landowners in this proceeding. See 49 C.F.R. 1104.10 and 1152.25(d)(5). The letter was not properly served on any party of record and, therefore, fails to comply with the Board's rules. 49 C.F.R. 1104.12. The letter was tendered for filing with the Board via the efiled process on June 4, 2024. A copy of the letter was received at the office of the undersigned counsel for GWRC via the postal service on June 11, 2024. The Landowners certified on June 4, 2024, that they served a copy of the letter via electronic mail on GWRC's counsel. It has been fifteen days since that certification was made and the undersigned has not received a copy of the letter from the Landowners via electronic mail. Pursuant to the Board's rules, services on the parties of record should be by the same method and class of service used in serving the Board. 49 C.F.R. 1104.12. According to the Landowners' June 4th certification, no other party of record was served by the Landowners. Pursuant to the Board's rules, service must be made on all parties to the proceeding. 49 C.F.R. 1104.12.

This, of course, is not the first time the Landowners have failed to comply with the Board's rules. On August 18, 2022, the Landowners certified to the Board that their Application tendered for filing with the Board was served on the undersigned counsel for GWRC. It has been over 21 months since that certification was made and no copy of the Application has been received by the undersigned from the Landowners. On October 20, 2022, the Landowners certified to the Board that Exhibit A to the Environmental Report was served on counsel for

GWRC via electronic mail. The email address listed by the Landowners for GWRC's counsel was incorrect and the Exhibit was never received from the Landowners.

In addition to being prohibited by the Board's rules, the letter contains a number of false and misleading allegations. The submission for filing of false and misleading statements does not constitute "good cause" for the Board to accept this late filed pleading.

Sincerely,

Karl Morell

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

cc: All parties of record via electronic mail:

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