

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

***THE BURLINGTON NORTHERN AND SANTA FE RY. CO.—
ABANDONMENT EXEMPTION—IN KING COUNTY, WA***

STB DOCKET NO. AB-6 (Sub-No. 380X)

WAVERLY HILLS CLUB, INCORPORATED

—

REPLY TO MOTIONS OF KING COUNTY, WASHINGTON

- 1) FOR LEAVE TO FILE REQUEST FOR EXTENSION OF TIME, TIME
FOR FILING HAVING OTHERWISE EXPIRED**
- 2) TO EXTEND TIME FOR REPLY**

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a Washington nonprofit corporation*

Petitioner Waverly Hills Club, Incorporated (“the Club”), files this reply to the Motions filed by Respondent King County, Washington, namely the Motion For Leave to File Request for Extension of Time, Time for Filing Having Otherwise Expired and the Motion to Extend Time for Reply.

The Club reserves the right to object to factual and legal statements in these Motions to the extent those points are restated in reply to the Club’s Petition. With that reservation, the Club has no objection to either Motion.

However, the Club points out inaccurate statements made by King County in the Motion to Extend Time for Reply. Specifically, the County suggests that the Club refused to negotiate (“Rather than negotiating with the County . . .”) and asserts that the Club “engaged in protracted litigation.” Motion to Extend Time for Reply at 3 and 5. Understanding that counsel of record is new to this case, nevertheless, these statements are inaccurate. The Club did file a lawsuit against the County on December 30, 2019, in Washington State Superior Court. The Club immediately sought to begin negotiations with the County and the County agreed. The parties entered a Tolling Agreement two months later which resulted in the dismissal of the lawsuit without prejudice on March 3, 2020. Thus, the so-called “protracted litigation” lasted two months. The Club proceeded to negotiate with the County *for five years* before filing this Petition. Thus, it is offensive for the County to suggest that the Club did not negotiate prior to filing this action.

Respectfully submitted this 12th day of February 2025.

STEPHENS & KLINGE LLP

/s/ Charles A. Klinge

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CERTIFICATE OF SERVICE

I hereby certify that I have on the 12th day of February 2025, caused to be served a copy of the foregoing Reply to the Motions of King County, Washington 1) Motion For Leave to File Request for Extension of Time, Time for Filing Having Otherwise Expired and 2) Motion to Extend Time for Reply upon all parties of record in this proceeding by email.

/s/ Charles A. Klinge

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