

CSXT-28

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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36836

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

CSX TRANSPORTATION, INC.'S REPLY TO NORFOLK SOUTHERN'S
MOTION TO MODIFY THE PROCEDURAL SCHEDULE

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ENTERED
Office of Chief Counsel
November 13, 2025
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John P. Patelli
Steven C. Armbrust
Jason M. Marques
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Peter W. Denton
Anthony J. LaRocca
Molly Bruder Fox
Linda Stein
Sally Mordi
Steptoe LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

Attorneys for CSX Transportation, Inc.

Dated: November 13, 2025

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SURFACE TRANSPORTATION BOARD

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CSX TRANSPORTATION, INC.'S REPLY TO NORFOLK SOUTHERN'S
MOTION TO MODIFY THE PROCEDURAL SCHEDULE

On September 30, 2025 – on the eve of what became an unprecedented 43-day suspension of the Board's functions due to a lapse in appropriations – NS¹ filed a letter in this proceeding (the "Motion") asking the Board to modify the procedural schedule to replace the existing November 6, 2025 deadline for NS to submit its responses to opposition filings, its response to the responsive application filed by CSXT, and its rebuttal in support of its application ("Responses and Rebuttal") with a new deadline to be set at 20 days after Administrative Law Judge Soulikias certifies to the Board that CSXT, Virginia Port Authority d/b/a Port of Virginia ("VPA") and the Virginia International Terminals, LLC d/b/a Port of Virginia ("VIT") have fulfilled their discovery obligations. During the shutdown, all deadlines in this proceeding were tolled, including the deadline for CSXT to reply to the NS Motion and the November 6 deadline for NS's Responses and Rebuttal.

¹ Unless otherwise defined, the acronyms and defined terms used herein are the same as those used in the Board's *Decision No. 2*, served on March 14, 2025 in this proceeding, or in CSX Transportation, Inc.'s Petition to Reject Norfolk Southern's Minor Application, filed on February 27, 2025.

NS's Motion was premature and grossly mischaracterized CSXT's discovery efforts to date. Since NS filed the Motion, CSXT diligently completed its discovery obligations with sufficient time for NS to submit its Responses and Rebuttal by the original deadline of November 6, 2025. To the extent that any third-party discovery from VIT and VPA remain outstanding, NS can supplement its Responses and Rebuttal promptly after receiving those materials. Therefore, CSXT hereby requests that the Board deny the Motion and enter the revised procedural schedule set forth below that requires NS to file its Responses and Rebuttal within four days and that allows sufficient time for the remaining development of the record and consideration from the Board.

1. The Motion was premature and should now be denied.

The fact that CSXT has fulfilled all of its discovery obligations since the filing of NS's Motion demonstrates that NS's Motion was premature and unnecessary. CSXT has diligently responded to NS's document requests, certifying the completion of document production on October 24, 2025, and deposition notices, completing CSXT fact and expert depositions by November 4, 2025. Any delay in the discovery process was of NS's own making, as it waited until two weeks after CSXT's submission of its Evidence and Argument in Opposition to the NS Control Application ("Opposition") to serve a third set of discovery requests and failed to address deposition scheduling with CSXT until after it filed its Motion. Notwithstanding NS's own delay in pursuing discovery, CSXT responded rapidly to NS's requests. But for the government shutdown, NS could have submitted its Responses and Rebuttal by November 6. There was never a need for the ALJ to facilitate a meet-and-confer or to certify the completion of document discovery as NS requested. NS should not be permitted additional time to prepare its submission

because of its own delay in advancing discovery, especially since CSXT document and deposition discovery has been completed.²

1.1. ALJ involvement is unnecessary.

The ALJ's involvement was never necessary and would only add another step that could be a potential source of further delay. NS first communicated with CSXT regarding deposition dates and CSXT's expected document production completion date *after* it filed its Motion. If NS had communicated with CSXT in advance of its Motion, it would have learned CSXT's anticipated production schedule and avoided the need to burden the Board and the ALJ.

NS has also requested that the schedule extension occur from the date that the ALJ certifies that document production is complete. There is no need for such a process. NS's unusual request is not required or even contemplated under 49 C.F.R. § 1114, Subpart B. NS failed to propose any guidelines for their desired certification process, which would pose an enormous burden on the ALJ. At bottom, such a procedure would only serve to add uncertainty and delay into the schedule and to give NS more time to prepare its Responses and Rebuttal. NS certified the completion of its document production without involvement of the ALJ. CSXT did the same. *See* Exhibit 1.

1.2. Outstanding document production from VPA/VIT does not necessitate extension.

NS filed its Motion, in part, because the VPA and VIT had not yet completed their document production. NS-27 at 1. While it is our understanding that VPA and VIT expect to complete their productions soon, there is no reason to extend the deadline for NS's Responses and Rebuttal, even if VPA and VIT have not completed

² Appendix I details CSXT's extensive engagement with discovery and provides a timeline of relevant discovery events.

their production. Materials from VPA and VIT have limited relevance to this dispute. CSXT already produced its correspondence with VPA and VIT.

Moreover, VPA and VIT have made several productions already: on October 1, 2025, VPA and VIT produced nine documents; on October 17, 2025, VPA and VIT produced 1,770 documents; and on October 31, 2025, VPA and VIT produced 95 documents. NS has had sufficient time to incorporate any of those materials into its Responses and Rebuttal. Should VPA and VIT produce any material after NS files its Responses and Rebuttal, CSXT would agree to allow NS seven days to submit a supplement adding any newly produced VPA and VIT materials.

2. CSXT requests that the Board enter a revised procedural schedule that allows sufficient time for the remaining development of the record and consideration from the Board.

As a practical implication of the shutdown, NS has already been given additional time to file its Responses and Rebuttal. CSXT requests that the Board enter a procedural order directing NS to file its Responses and Rebuttal on or before 4 days post reopening and resetting the remaining procedural schedule. Likewise, CSXT proposes that the deadline for any CSXT rebuttal in support of its responsive application be similarly extended, with a due date of December 17, 2025.³ To the extent that the Board selects a different date for NS's submission, CSXT requests 30 days from NS's submission to submit its rebuttal in support of its responsive

³ Under the original procedural schedule CSXT had 30 days to submit a rebuttal in support of its responsive application. *Norfolk S. Corp. & Norfolk S. Ry. Co—Acquisition of Control—Norfolk & Portsmouth Belt Line R.R. Co. (Decision No. 7)*, FD 36836, slip op. at 10 (STB served July 10, 2025). To facilitate a prior extension of the schedule CSXT agreed to 29 days to submit a rebuttal in support of its responsive application. *Norfolk S. Corp. & Norfolk S. Ry. Co—Acquisition of Control—Norfolk & Portsmouth Belt Line R.R. Co. (Decision No. 11)*, FD 36836, slip op. at 3 (STB served Sept. 4, 2025). CSXT requests 30 days from NS's submission to submit its rebuttal in support of its responsive application.

application. Should that 30-day period include any portion of the period between Christmas and New Year’s Day, CSXT requests an additional week for its rebuttal submission.

CSXT proposes that the Board extend the due date for final briefs and the close of the record by 43 days, the number of days that the government was shutdown. This proposal is designed to allow the Board ample time to review the materials and “decide whether to conduct a public hearing, which would be held between the filing of rebuttals and final briefs, in a later decision after the record has been more fully developed.” *See* 49 U.S.C. § 11324(a); *Norfolk S. Corp. & Norfolk S. Ry. Co—Acquisition of Control—Norfolk & Portsmouth Belt Line R.R. Co. (Decision No. 11)*, FD 36836, slip op. at 3 n.2 (STB served Sept. 4, 2025).

The following chart shows the current deadlines set by the Board and a proposed revised procedural schedule:

Event	Current Deadline ⁴	Proposed Deadline
Responses to comments, protests, requests for conditions, and other opposition due, including to DOJ and USDOT filings. Responses to responsive, including inconsistent, applications due. Rebuttal in support of the application due.	November 6, 2025	November 17, 2025
Rebuttal in support of responsive, including inconsistent, applications due.	December 5, 2025	December 17, 2025 ⁵

⁴ *Norfolk S. Corp. & Norfolk S. Ry. Co—Acquisition of Control—Norfolk & Portsmouth Belt Line R.R. Co. (Decision No. 11)*, FD 36836, slip op. at 3 (STB served Sept. 4, 2025).

⁵ To the extent that the Board selects a date other than November 17, 2025 for NS’s submission, CSXT requests 30 days to submit its rebuttal. Should that 30-day period include any portion of the period between Christmas and New Year’s Day, CSXT requests an additional week for its rebuttal submission.

Public hearing (if necessary).	TBD	TBD
Final briefs due. (Close of the record.)	January 6, 2026	February 18, 2026
Date by which a final decision will be served.	April 6, 2026	May 19, 2026
Effective date of final decision.	May 6, 2026 ⁶	June 18, 2026

* * *

CSXT requests that the Board deny NS's Motion and that it modify the procedural schedule consistent with CSXT's proposal presented here.

Dated: November 13, 2025

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Anthony J. LaRocca

Molly Bruder Fox

Linda Stein

Sally Mordi

Steptoe LLP

1330 Connecticut Ave., NW

Washington, DC 20036

(202) 429-3000

Attorneys for CSX Transportation, Inc

⁶ The final decision will become effective 30 days after it is served. *Norfolk S. Corp. & Norfolk S. Ry. Co—Acquisition of Control—Norfolk & Portsmouth Belt Line R.R. Co. (Decision No. 11)*, FD 36836, slip op. at 3 n.3 (STB served Sept. 4, 2025).

APPENDIX I

1. Discovery Timeline

The following charts illustrate the timeline of the parties' discovery efforts to date:

CSXT Discovery Timeline		
Date	Description	Number of NS Documents Produced
3/19/25	CSXT served first set of requests	
3/26/25	CSXT served second set of requests	
4/9/25	CSXT filed Motion to Compel	
4/18/25	CSXT filed second Motion to Compel	
6/6/25	CSXT served third set of requests	
6/20/25	CSXT filed Restated & Am. Motion to Compel	
6/20/25	NS first production	10
7/2/25	CSXT proposed deposition dates for D. Fapp, M. McClellan, and T. Zoeller (first communication regarding deposition dates)	
7/18/25	NS second production	1,082 (1,092 total)
7/29/25	NS third production	506 (1,598 total)
8/6/25	CSXT deposed T. Zoeller (fact witness)	
8/13/25	CSXT deposed D. Fapp (expert witness)	
8/14/25	NS fourth production (containing “[a] significant number of documents . . . that are relevant to Mr. McClellan’s verified statement.”)	604 (2,202 total)
8/15/25	CSXT motion to modify procedural schedule	
8/18/25	CSXT deposed M. McClellan (fact witness)	
8/21/25	STB extended CSXT filing deadline from 8/27/25 to 9/8/25	
8/27/25	Original CSXT filing deadline	
8/28/25	NS fifth production	4,798 (7,000 total)
8/28/25	CSXT deposed C. Moss (fact witness)	
8/29/25	CSXT second motion to modify procedural schedule	
9/4/25	STB extended CSXT filing deadline from 9/8/25 to 9/18/25	
9/18/25	CSXT filed its Evidence and Argument	

NS Discovery Timeline		
Date	Description	Number of CSXT Documents Produced
7/11/25	NS served first set of requests	
7/31/25	NS served second set of requests	
9/12/25	CSXT first production	76
9/30/25	NS Motion for extension	
10/3/25	NS served third set of requests	
10/6/25	NS noticed 5 depositions (first communication regarding deposition dates)	
10/8/25	CSXT second production	2,827 (2,903 total)
10/15/25	CSXT third production	2,444 (5,347 total)
10/20/25	CSXT fourth production	3,314 (8,661 total)
10/24/25	CSXT fifth production	7,194 (15,885 total)
10/24/25	CSXT sixth production and confirmation of completion of production	2,105 (17,960 total)
10/28/25	NS deposed J. Carey (expert witness)	
10/30/25	NS deposed N. Miller (expert witness)	
11/3/25	NS deposed M. Kenney (fact witness)	
11/3/25	NS deposed S. Armbrust (fact witness)	
11/4/25	NS deposed W. Huneke (expert witness)	
11/6/25	NS Responses and Rebuttal due (not filed due to shutdown)	

2. CSXT has meaningfully engaged in discovery efforts.

CSXT's written discovery responses, document production, and production of witnesses for deposition allowed NS sufficient time to respond to CSXT's Opposition.

2.1. Written Discovery

In this STB Proceeding, CSXT served four sets of discovery requests on NS beginning in March 2025, starting on March 19 ("First Requests"), and again on March 26 ("Second Requests"), June 6 ("Third Requests"), and July 17 ("Fourth Requests"). Because the First Requests and Fourth Requests focused on the record

of the District Court Proceeding, the majority of CSXT's substantive discovery requests to NS were served in its Second Requests, dated March 26, and its Third Requests, dated June 6.

NS served three sets of discovery on CSXT. CSXT responded promptly to the first two sets, served by NS on July 11 and July 31. NS served the third set on October 3, 2025, *after* NS filed its Motion and a full two weeks after CSXT filed its Opposition.

2.2. Document Productions

In response to CSXT's requests, NS did not make its first production until June 20, 2025, which only consisted of 10 documents of NPBL Annual Reports. NS made its second production on July 18, or 114 days after CSXT served its Second Requests. NS made three subsequent productions on July 29, August 14, and August 28, which were 11 days, 16 days, and 14 days later, respectively.

In contrast, CSXT made its first production on September 12, 2025, or 63 days after NS served its First Requests on CSXT. CSXT then made its second production on October 8, 2025, or 89 days after NS served its First Requests. CSXT made its third production on October 15, or 96 days after NS served its First Requests. CSXT made its fourth production on October 20, or 101 days after NS served its First Requests. CSXT made its fifth and sixth productions on October 24, or 105 days after NS served its First Requests. CSXT completed its document productions on October 24. CSXT's production schedule was not unlike – and indeed was faster than – NS's production schedule, which NS asserts was done in a “timely fashion.” NS-27 at 6.

Moreover, CSXT was on pace to complete production of documents responsive to NS's first two sets of discovery requests by October 17, or 20 days before NS's

deadline of November 6, 2025. In light of NS's third set of discovery requests that were served on October 3, CSXT completed its productions on October 24. Exhibit 1.

There was no justification for NS's delay in seeking its third set of discovery and certainly no reason to use the dilatory requests as a backdoor way for NS to obtain additional time to prepare its Responses and Rebuttal. NS waited until two weeks after CSXT filed its Opposition to serve its third set of requests. The majority of NS's third set of requests relate to issues that CSXT raised prior to its Opposition filing on September 18 or are duplicative of requests NS served previously. For example, NS's third set of requests sought documents and communications concerning operating capacity at VPA/VIT terminals, but NS had already asked for "[d]ocuments sufficient to show capacity shipped by CSXT through NIT, VIG, and PMT." Compare Exhibit 2 (RFP 5) and Exhibit 3 (RFP 43). NS clearly knew that capacity was a potential issue before CSXT's Opposition filing.

2.3. Depositions

At the time NS filed its Motion, it conceded that it had "yet to issue" its five deposition notices. NS-27 at 8-9. NS eventually served five deposition notices to CSXT on October 6, 2025. CSXT has actively worked to facilitate the depositions. After CSXT received NS's deposition notices, counsel promptly informed NS that they were "working with the witnesses to coordinate their availability." Exhibit 4 at 4. CSXT confirmed the deposition date for Dr. Miller, proposed alternative dates for Ms. Carey and Dr. Huneke, and informed NS it was working on scheduling with Ms. Kenney and Mr. Armbrust. *Id.* Yet, even after CSXT told NS that it anticipated completing production by October 24, and despite NS's initial proposed deposition date of October 28 for Ms. Kenney and Mr. Armbrust, NS responded that "the earliest we could conduct those depositions would be the week of November 3rd." *Id.*

at 3. By October 10, 2025, CSXT had provided final dates for all five witnesses. *Id.* at 1.

CSXT provided documents related to its fact witnesses well in advance of the depositions. On October 7, CSXT relayed to NS that “[i]n our upcoming productions, we will endeavor to frontload documents where Ms. Kenney or Mr. Armbrust are the custodian or otherwise included on the communication.” *Id.* at 4. CSXT completed the production of all of its documents ten days before the Kenney and Armbrust depositions.

As of November 4, 2025, NS completed depositions of all five CSXT witnesses.

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—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

EXHIBIT 1

OCTOBER 24, 2025 EMAIL FROM CSXT TO NS REGARDING COMPLETION OF
DOCUMENT PRODUCTION

Snyder, Elizabeth

From: William Mullins <wmullins@mullinslawgroup.net>
Sent: Friday, October 24, 2025 3:53 PM
To: Fox, Molly Bruder; Rose-Michele Nardi; John Edwards; Spencer Naake; Crystal Zorbaugh
Cc: Denton, Peter; Mordi, Sally; alj.soulíkias.inbox@stb.gov; Lascano, Julie
Subject: [EXTERNAL] Re: FD-36836 - CSXT's Certification of Completion of Document Production

Thank you.

We will be reviewing and will get back with you with any concerns or comments.



William Mullins
Managing Partner
2001 L Street NW, Suite 720
Washington, DC 20036
202-663-7823 Direct
703-862-0696 Cell
wmullins@mullinslawgroup.net
mullinslawgroup.net

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From: Fox, Molly Bruder <mbfox@steptoe.com>
Sent: Friday, October 24, 2025 3:49 PM
To: William Mullins <wmullins@mullinslawgroup.net>; Rose-Michele Nardi <rnardi@mullinslawgroup.net>; John Edwards <jedwards@mullinslawgroup.net>; Spencer Naake <snaake@mullinslawgroup.net>; Crystal Zorbaugh <czorbaugh@mullinslawgroup.net>
Cc: Denton, Peter <pdenton@steptoe.com>; Mordi, Sally <smordi@steptoe.com>; alj.soulíkias.inbox@stb.gov <alj.soulíkias.inbox@stb.gov>; Lascano, Julie <jlascano@steptoe.com>
Subject: FD-36836 - CSXT's Certification of Completion of Document Production

Bill:

CSXT certifies that it has completed its production of documents responsive to NS's discovery requests in the above referenced matter.

Regards,

Molly Bruder Fox
Partner

Steptoe

Steptoe LLP | 1330 Connecticut Avenue NW | Washington, DC 20036
[+1 202 429 8157](tel:+12024298157) direct | mbfox@steptoe.com | www.steptoe.com | [Steptoe Bio](#)

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EXHIBIT 2

NS'S REVISED THIRD SET OF INTERROGATORIES, REQUESTS FOR
PRODUCTION OF DOCUMENTS, AND REQUESTS FOR CLARIFICATION TO
CSXT ORIGINALLY SERVED ON OCTOBER 3, 2025

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

Crystal M. Zorbaugh
czorbaugh@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7831
Facsimile: (202) 464-9123

October 15, 2025

VIA E-MAIL

Molly Bruder Fox
Steptoe
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Re: Norfolk Southern Railway Company – Control Acquisition – Norfolk & Portsmouth Belt Line Railroad Company, FD No. 36836, Third Set of Interrogatories, Requests for Production of Documents, and Requests for Clarification

Dear Ms. Fox:

Per our previous conversations please find attached to this letter Norfolk Southern Corporation and Norfolk Southern Railway Company's revised Third Set of Interrogatories, Requests for Production of Documents, and Requests for Clarification. As was previously discussed, Clarification Request No. 4 has been incorporated into the previously served Third Set of Interrogatories, Requests for Production of Documents, and Requests for Clarification.

If there are any questions about this matter, please contact me directly, either by telephone: at 202-663-7831 or by e-mail: czorbaugh@mullinslawgroup.net. If I am unavailable, you may contact Spencer Naake, who can be reached at (202) 663-7829 or by e-mail at snaake@mullinslawgroup.net.

Respectfully submitted,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh
Attorney for Norfolk Southern Corporation and
Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36836

**NORFOLK SOUTHERN CORPORATION
NORFOLK SOUTHERN RAILWAY COMPANY
—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY**

**Norfolk Southern Corporation and Norfolk Southern Railway Company's Third Set of
Interrogatories, Requests for Production of Documents, and Requests for Clarification to
CSX Transportation, Inc.**

Pursuant to 49 C.F.R. § 1114.30 Norfolk Southern Corporation and Norfolk Southern Railway Company ("NS") hereby requests CSX Transportation, Inc. ("CSXT") respond to the below interrogatories, produce all documents responsive to the requests for production, and address the requests for clarification contained in Norfolk Southern Corporation and Norfolk Southern Railway Company's Third Set of Interrogatories, Requests for Production of Documents, and Requests for Clarification to CSX Transportation, Inc. (the "NS's Third Set of Requests") to the offices of Mullins Law Group, PLLC, 2001 L St. NW, Suite 720, Washington, DC 20036, or via electronic delivery means, in accordance with the Definitions and Instructions below and within 15 days or such other time as may be agreed upon by the parties or ordered by the Surface Transportation Board ("Board" or "STB").

DEFINITIONS

The following Definitions apply to each Request contained herein and are deemed incorporated in each Request.

1. "Action" shall mean *Norfolk Southern Corporation & Norfolk Southern Railway Company – Acquisition of Control – Norfolk & Portsmouth Beltline Railroad Company*, FD 36836, filed before the Surface Transportation Board.
2. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Request all responses that might otherwise be construed to be outside of its scope.
3. "Any" shall be construed as "all" and vice versa, as necessary to bring within the scope of the Request all information that might otherwise be construed to be outside of its scope.
4. "Communications" shall mean the transmittal of information in the form of facts, ideas, inquiries, or other similar forms.

5. “CSX Transportation, Inc.” or “CSXT” shall mean CSX Transportation, Inc., and its predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

6. “District Court Proceeding” shall mean *CSX Transportation, Inc. v. Norfolk Southern Railway Company*, No. 2:18-cv-00530 (E.D. Va. Oct. 4, 2018).

7. “Document” or “Documents” is used in the broadest possible sense permissible and includes, without limitation, all originals, copies (if the originals are not available), non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise) whether printed or recorded (through a sound, video, or other electronic, magnetic, or digital recording system) or reproduced by hand, of the following: letters, correspondence, telegrams, telexes, memoranda, records, text messages, communications via Internet-connected application, summaries of personal conversations or interviews, minutes or records or notes of meetings or conferences, note pads, notebooks, postcards, “Post-It” or similar notes, stenographic notes, notes, notebooks, opinions or reports of financial advisors or consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, contracts (drafts, proposals, and final), agreements, appraisals, analyses, purchase orders, confirmations, publications, articles, books, pamphlets, circulars, microfilm, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, photostats, speeches, data sheets, pictures, photographs, illustrations, blueprints, films, drawings, plans, tape recordings, videotapes, disks, diskettes, data tapes or readable computer-produced interpretations or transcriptions thereof, electronic messages, voice mail messages, interoffice communications, advertising, packaging and promotional materials, material of any sort and in any format maintained or available at any time on the World Wide Web (whether formerly, currently, or both), and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to any information contained in any computer, even if not yet printed out.

8. “East Coast Ports” shall mean all ocean ports and marine terminals on the Atlantic and Gulf coasts in the United States located east of the Mississippi River that handle intermodal containers, including terminals located in the Port of New Orleans, Port of New York/New Jersey, Port of Baltimore, Port of Charleston, Port of Savannah, Port of Mobile, Port of Wilmington, Port of Jacksonville, Port of Virginia (VIG and NIT).

9. “Including” shall mean “including, without limitation” and “including but not limited to.”

10. “Norfolk Southern” or “NS” shall mean Norfolk Southern Corporation, Norfolk Southern Railway Company and their predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

11. “NPBL” shall mean Norfolk & Portsmouth Belt Line Railroad Company and its predecessors and successors in interest, as well as the present and attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

12. “Philaport” shall mean the Port of Philadelphia and shall include all container terminals located in the Commonwealth of Pennsylvania, in or near Philadelphia, and its predecessors (including Philadelphia Regional Port Authority and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, , parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies, and all Persons acting or purporting to act on their behalf.

13. “Port Authority of New York and New Jersey” shall include all container terminals located in the states of New York and New Jersey operated under the authority of the Port Authority of New York and New Jersey, including the Port Newark Container Terminal, The Maher Terminals, the APM Terminals, the Port Liberty New York Terminal, the Port Liberty Bayonne Terminal and the Red Hook Container Terminal, and their predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, , parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies, and all Persons acting or purporting to act on their behalf.

14. “Relating to” as used herein with reference to a subject shall mean both of the following:

a. Containing, compromising, constituting, stating, setting forth, recording, contradicting, referring to, evidencing, or in any way pertaining to, in whole or in part, that subject; and

b. Describing, discussing, reflecting, interpreting, identifying, concerning, in any way pertaining to, in whole or in part, that subject, or to be in any way logically or factually connected with the matter discussed.

15. “Relevant Period” shall refer to the period of time from January 1, 2018, through the Present, unless otherwise specified. If a Request does not specify a date range, the Relevant Period applies.

16. “Terminal or Belt Railroads” include freight railroad companies that operate a terminal facility, perform local switching services, own a freight station, or manage short segments comprising a bridge or train ferry; a short-line railway that operates in and around a city or other metropolitan area, primarily to transfer or perform local switching services of freight between major long-haul railroads, yards, and/or other transport modes; and, similarly operated short-line or switching railroads.

17. “You” and “Your” shall refer to CSXT as defined above.

18. “VIT” shall mean Virginia International Terminals, Inc. d/b/a Port of Virginia and its predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies, and all Persons acting or purporting to act on their behalf.

19. “VPA” shall mean Virginia Port Authority d/b/a Port of Virginia and its predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies, and all Persons acting or purporting to act on their behalf.

20. The use of the singular shall be deemed to include the plural, as appropriate in context.

INSTRUCTIONS

The following Instructions apply to each Request set forth herein and are deemed incorporated in each Request:

1. In responding to these Requests, produce all Documents within the possession, custody, or control of CSXT, which includes in CSXT’s actual or constructive possession or control, including, without limitation, Documents, tangible things, and electronically stored information located in personal files, hard copy files, computer systems, smartphones, Internet-enabled messaging applications, networks, servers, CDs, DVDs, memory sticks, zip drives, hard drives, floppy disks, magnetic tapes, and other electronic media. Furthermore, a document does not have to have been dated or created during the Relevant Period to be responsive to a Request. The document merely must have been sent, analyzed, discussed, or otherwise used during the Relevant Period. This Instruction applies unless otherwise stated in the individual Request.

2. If there is no Document responsive to a particular Request, CSXT shall so state in writing.

3. If any Document or Communication called for by any Request is withheld because CSXT claims that it is privileged or otherwise protected from disclosure, CSXT must identify the Document or Communication so withheld and the privilege or doctrine CSXT claims. In the case of Documents of Communications that CSXT claims are privileged that relate to meetings or to other conversations, all participants in the meeting or conversation shall be identified.

4. Each Document requested herein must be produced in its entirety and without deletion, abbreviation, redaction (except for information that is both non-responsive and commercially sensitive), expurgation, or excisions, regardless of whether CSXT considers the entire Document to be relevant or responsive to these Requests. If CSXT has redacted any

portion of a Document for privilege, stamp the word “redacted” on each page of the Document that CSXT has redacted, identifying the basis for such redaction.

5. CSXT must produce entire Documents, including all attachments, cover letters, memoranda, and appendices, as well as the file, folder tabs, and labels appended to or containing any produced Documents. Copies that differ in any respect from an original shall be produced separately.

6. If CSXT objects to any Request or part of a Request, set forth the basis for CSXT’s objection with particularity and respond to all parts of the Request to which CSXT does not object.

7. All responsive Documents in existence as of the date of production are to be produced. These Requests are continuing in nature, up to and during the course of any hearing. Any Documents created or obtained after the date of production are to be produced under CSXT’s obligation to supplement CSXT’s production immediately upon the creation or identification of additional responsive Documents.

8. For any responsive Documents that are no longer in existence, indicate the nature of the Document, its approximate date of creation, its author(s), and recipient(s), its approximate date of destruction or disposal, and the reason for and method by which its destruction or disposal took place.

9. All Documents responsive to these Requests shall be produced in accordance with any applicable rules and orders of the Surface Transportation Board, and subject to any agreement negotiated by and between the parties regarding the production of electronically stored information (“ESI”).

10. ESI should be produced in accordance with the following specifications:

- a. Form of Production. Produce electronically stored information in single-page TIFF format (Group IV TIFF at 300 dpi) with standard Concordance formatted load file (.dat), including all metadata. Name each TIFF file with a unique name matching the Bates number (or similar identifying mark) labeled on the corresponding page. Group every 1000 TIFFs into a new folder; do not create a separate folder for each document.
- b. Image Load File. Provide an image load file (Opticon file) that contains document boundaries and page counts.
- c. Document Text. For documents that were originally stored as native electronic files and which do not have redactions, produce the extracted full text (not OCR) from the body of each document in separate document-level *.txt files named for the beginning Bates number of the associated document. Provide OCR text for documents without extracted text available (non-searchable PDFs, etc.). Group 1000 document text files per incrementally named “TEXT” directories, separate from image directories.

For documents that were originally stored as native electronic files and which have redactions, produce the OCR text from the redacted image(s) associated with each document, in separate document-level *.txt files named for the beginning Bates number of the associated document. Clearly label any redacted material to show the redactions on the TIFF image.

- d. Native Production For Certain File Types. For files that reasonably require viewing in their native format for a full understanding of their content and meaning (including but not limited to certain PowerPoint or other special presentation programs or database files), produce the files in native and TIFF formats to the extent it is reasonably possible to do so. Name the produced native file with the Bates number on the first page of the corresponding TIFF production of the file / document or on the TIFF placeholder document (i.e., “slipsheet”). For Excel files, produce in native format with a slip sheet that includes a Bates number and text indicating “This document was produced in Native format.” Group native files within incrementally named “NATIVE” directories; separate from images directories.
- e. Metadata. Produce extracted metadata for each document in the form of a Concordance load file (.dat), including the following fields (where applicable): Bates range begin, Bates range end, Bates family range begin, Bates family range end, email subject line, document subject, file name, email sent date, email sent time, created date, created time, last modified date, last modified time, family date, family time, author, from, to, CC, BCC, custodian, source and/or source folder, file extension, file type, page count, MD5 hash value, and native file path location. Documents should be produced in such fashion as to identify the location of the document and, where applicable, the natural Person in whose possession it was found.

11. Each Request shall be construed according to its own terms, subject to these Definitions and Instructions, unless otherwise specified. Although some of the Requests may overlap with others, no Request should be read as limiting any other.

12. If, in responding to these Requests, You claim any ambiguity in a Request, or in a Definition or Instruction applicable to a Request, such claim shall not be utilized as a basis for refusing to respond, but You shall set forth as part of Your response the language deemed to be ambiguous and the interpretation used in responding to the Request. Each Request is continuing in nature. If, after responding, You obtain or become aware of any additional Documents responsive to these Requests, You shall produce such additional Documents forthwith.

13. The time frame for these Interrogatories and Requests for Production is January 1, 2018, to present unless a different time is stated.

INTERROGATORIES

1. Identify all Terminal or Belt Railroads that are owned partially or wholly by CSXT and CSXT's respective ownership percentage in each such entity.
2. For the entities identified in Interrogatory No. 1, identify the state(s) or metropolitan areas the Terminal or Belt Railroads serve.
3. For the entities identified in Interrogatory No. 1, identify all rail carriers connecting to such entities.
4. CSXT's evidence repeatedly uses the terms bundle, bundled, and bundling. Provide a definition of those terms.
5. Identify by requesting carrier and location any solely served CSXT locations that CSXT was asked to open to reciprocal switching.
6. For the entities identified in Interrogatory No. 7, identify instances where CSXT denied the request to open the CSXT location to reciprocal switching.
7. For the entities identified in Interrogatory No. 7, identify instances where CSXT granted the request to open the CSXT location to reciprocal switching.
8. At any CSXT location or station that is open to switching by another carrier, identify instances where the other carrier or carriers who have access via reciprocal switching have requested CSXT to lower its switching rate, and indicate whether CSXT complied with that request.

REQUESTS FOR PRODUCTION

1. All Documents, Communications, internal and external studies, request for proposals, and draft and final contracts active at any time, or analyzed, discussed, distributed, or otherwise used, from January 1, 2018, through the present, between or among CSXT and any other party that includes or relates to CSXT's switching contracts with Terminal or Belt Railroads.
2. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present between or among CSXT, the Port Authority of New York and New Jersey, and/or any other party concerning CSXT plans to market traffic from Norfolk International Terminals.
3. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present between or among CSXT, the Port Authority of New York and New Jersey, and/or any other party concerning operating capacity for all container terminals located in the states of New York and New Jersey.

4. All Documents, Communications, internal and external studies, and requests for proposals, and draft and final contracts active at any time, or analyzed, discussed, distributed, or otherwise used, from January 1, 2018, through the present between or among CSXT, the Port Authority of New York and New Jersey, and/or any other party concerning CSXT access to any or all Port Authority of New York and New Jersey container terminals.
5. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present between or among CSXT, VPA, and/or VIT, concerning operating capacity at any or for all VPA/VIT-owned and/or operated container terminals located in the Commonwealth of Virginia.
6. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present by or among CSXT and one or more other parties concerning operating capacity for the remaining East Coast Ports (excluding the Port of New York and New Jersey – see Request No. 3 and the Port of Virginia – see Request No. 5)
7. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present between or among CSXT and one or more other parties concerning destinations served by CSXT from Virginia other than New Jersey, New York, Philadelphia, or Baltimore.
8. All Documents, Communications, internal and external studies, requests for proposals, responses to requests for proposals, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present between or among CSXT and any ocean carrier or ocean carrier alliance related to contractual negotiations for CSXT rail service.
9. All Documents, Communications, internal and external studies, requests for proposals, and draft and final contracts active at any time, or analyzed, discussed, distributed, or otherwise used, from January 1, 2018, through the present between or among CSXT and any ocean or ocean carrier alliance concerning CSXT rail service.
10. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present between or among CSXT, VPA, VIT, and/or any other party related to track improvements on routes linking any or all VPA/VIT owned and/or operated container terminals located in the Commonwealth of Virginia with the tracks and routes used to serve the Port of Philadelphia d/b/a Philaport or the movement of traffic between the two.

11. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present internal to CSXT or between or among CSXT, VPA, VIT, and/or any other party related to (1) the directing of container ship traffic to one or another of the different intermodal (IM) terminals in the Commonwealth of Virginia owned and/or operated by VPA or VIT, (2) the directing of container ship traffic to both NIT and VIG for the receipt or discharge of traffic, or (3) related to covering of the cost of drayage between Norfolk International Terminals and the Virginia International Gateway.
12. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present internal to CSXT or between or among CSXT, VPA, VIT, and/or any other party related to the efficacy and/or cost of, or cost elements involved in, drayage between Norfolk International Terminal and the Virginia International Gateway.
13. All Documents and Communications related to CSXT's decision to dray NIT containers to and from VIG, instead of draying NIT containers to and from CSXT's Portsmouth yard, in relation to CSXT leasing its intermodal yard at PMT to a grain export operation.
14. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present internal to CSXT or between or among CSXT, VPA, VIT, and/or any other party related to the efficacy and cost of, or cost elements involved in, the movement of containers to or from NIT via rail utilizing a switch performed by the NPBL.
15. All Documents, Communications, internal and external studies, and assessments analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present internal to CSXT or between or among CSXT, VPA, VIT, and/or any other party related to the efficacy and cost of, or cost elements involved in, drayage between Norfolk International Terminal and the Virginia International Gateway relative to the efficacy or cost of, cost elements involved in, the switching of containers to or from NIT via rail utilizing a switch performed by the NPBL.
16. All Documents, Communications, internal and external studies, request for proposals, and draft and final contracts active at any time, or analyzed, discussed, distributed, or otherwise used from January 1, 2018, through the present between or among CSXT and any ocean carriers related to the East Coast Ports during the responsive period, with all pages of each contract produced together in a discrete separate, and identifiable file.

17. All Documents, Communications, internal and external studies, and draft and final contracts active at any time, or any analysis related to agreements between CSXT and NPBL for its rights (operating, haulage, trackage) between NPBL's line from Seaboard Junction to Berkley Yard, including all terms and conditions, operating restrictions, and any compensation to be paid for the access.
18. Produce all Documents relating to, used, relied upon, or reflecting any communications referenced in CSXT's responses to any of the Interrogatories contained in this Third Request.

REQUESTS FOR CLARIFICATION

1. Produce table descriptions, data dictionaries, and schemas sufficient to explain the structure, contents, purpose, and business use of the tables "ALIAS_F_WAYBILL_TRAFFIC" and "AG_EYEPROFIT_NP," relied upon by Julie M. Carey and Dr. Nathan Miller, including their relationship to other CSXT data tables, any linking fields, necessary decoders, and rules governing their use.
2. Identify the source table for each of the fields below relied upon by Julie M. Carey and/or Dr. Nathan Miller. For each source table identified, provide a description sufficient to explain its structure, contents, purpose, relationship to other CSXT data tables, and rules governing their use.

-	<u>Field</u> (1)
1.	[FISCAL_YEAR_C]
2.	[FISCAL_YEAR_PERIOD_I]
3.	[WAYBILL_I]
4.	[LEGAL_ENTITY_N]
5.	[LEGAL_ENTITY_N]
6.	[LEGAL_ENTITY_N]
7.	[PREFERRED_LOCATION_CITY_N]
8.	[PREFERRED_LOCATION_STATE_C]
9.	[FSAC_C]
10.	[SPLC_I]
11.	[PREFERRED_LOCATION_CITY_N]
12.	[PREFERRED_LOCATION_STATE_C]
13.	[FSAC_C]
14.	[SPLC_I]
15.	[LINE_OF_BUSINESS_X]
16.	[waybill_d]
17.	[lob4_c]
18.	[sumsam_ownag_eyepprofit_npcarload]

3. Provide field definitions for the fields below relied upon by Julie M. Carey and/or Dr. Nathan Miller. Definitions should include a description of the contents of each field, data type, and format, any necessary decoders, and any limitations or considerations relevant to evaluating the field.

Field

(1)

1. [FISCAL_YEAR_C]
2. [FISCAL_YEAR_PERIOD_I]
3. [WAYBILL_I]
4. [LEGAL_ENTITY_N]
5. [LEGAL_ENTITY_N]
6. [LEGAL_ENTITY_N]
7. [PREFERRED_LOCATION_CITY_N]
8. [PREFERRED_LOCATION_STATE_C]
9. [FSAC_C]
10. [SPLC_I]
11. [PREFERRED_LOCATION_CITY_N]
12. [PREFERRED_LOCATION_STATE_C]
13. [FSAC_C]
14. [SPLC_I]
15. [LINE_OF_BUSINESS_X]
16. NET_TONS_DECIMAL_Q
17. CARLOAD_ORIGINATIONS_ONNET_Q
18. REVENUE_LH_A
19. REVENUE_FUEL_SURCHARGE_A
20. REVENUE_OTHER_A
21. REVENUE_CONTRACT_REFUND_A
22. REVENUE_OC_CLAIM_A
23. REVENUE
24. REVENUE_LH_A
25. TRANSP_CREW_COSTS_A
26. TRANSP_CREW_COST_EMPTY_A
27. FUEL_A
28. FUEL_EMPTY_A
29. LOCO_MAINT_A
30. LOCO_MAINT_EMP
31. FUEL_A
32. FUEL_EMPTY_A
33. ON_CAR_MILES_Q
34. ON_ELAP_HRS_Q
35. ON_ELAP_HRS_EMPTY_Q
36. [waybill_d]

37. [lob4_c]
38. [sumsam_ownag_eyeprofit_npcarloa]

4. Ms. Carey included in her workpapers a file named "HC-WP Truck vs Rail Rate per Container Mile.xlsx." Ms. Carey's file included the worksheet "DAT RV SPOT HIST 2023" which contains the trucking rate data that she used in her analysis. It appears Ms. Carey obtained the trucking rate data from the firm DAT Freight & Analytics. We have searched the DAT Freight & Analytics website to see if we could find field definitions and data decoders for the data used by Ms. Carey, but it appears the firm does not publicly publish that information. NS thus requests that CSXT or Ms. Carey provide the field definitions and data decoders for the DAT Freight & Analytics data used by Ms. Carey.¹

Respectfully submitted,

//s// Crystal M. Zorbaugh

William A. Mullins
Rose-Michele Nardi
Crystal M. Zorbaugh
John V. Edwards
MULLINS LAW GROUP PLLC
2001 L St., N.W.
Suite 720
Washington, D.C. 20036
Tel.: (202) 663-7823

Joseph H. Carpenter
Thomas E. Zoeller
Hanna M. Chouest
NORFOLK SOUTHERN CORPORATION
650 W Peachtree St N.W.
Atlanta, GA 30308
Tel: (470) 571-5208

October 3, 2025

Attorneys for Norfolk Southern Corporation and
Norfolk Southern Railway Company

¹ Per the request of Molly Burder Fox, Counsel for CSXT, via email dated October 10, 2025, NS is incorporating Clarification Request No. 4 into its Third Set of Requests originally served on October 3, 2025.

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing *NS's Third Set of Interrogatories, Requests for Production of Documents, and Requests for Clarification to CSX Transportation, Inc.* to be served electronically or by first-class mail, postage pre-paid, on Administrative Law Judge Jenifer Soulikias, all parties of record in this proceeding, the U.S. Secretary of Transportation, and the U.S. Attorney General of the United States.

/s/ ***Crystal M. Zorbaugh***

Crystal M. Zorbaugh
*Counsel for Norfolk Southern Corporation
and Norfolk Southern Railway Company*

October 3, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36836

NORFOLK SOUTHERN CORPORATION &
NORFOLK SOUTHERN RAILWAY COMPANY
—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

EXHIBIT 3

NS'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND
INTERROGATORIES TO CSXT SERVED ON JULY 11, 2025

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36836

**NORFOLK SOUTHERN CORPORATION
NORFOLK SOUTHERN RAILWAY COMPANY
—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY**

**NS's First Set of Requests for Production of Documents and Interrogatories
to CSX Transportation, Inc.**

Pursuant to 49 C.F.R. § 1114.30 Norfolk Southern Corporation and Norfolk Southern Railway Company (together, “NSR”) hereby requests CSX Transportation, Inc. (“CSXT”) produce all documents responsive to the requests below (the “NSR’s First Set of Requests,” and each a “Request”) to the offices of Mullins Law Group, PLLC, 2001 L St. NW, Suite 720, Washington, DC 20036, or via electronic delivery means, in accordance with the Definitions and Instructions below and within 15 days or such other time as may be agreed upon by the parties or ordered by the Surface Transportation Board (“Board” or “STB”).

DEFINITIONS

The following Definitions apply to each Request contained herein and are deemed incorporated in each Request.

1. “Action” shall mean *Norfolk Southern Corporation & Norfolk Southern Railway Company – Acquisition of Control – Norfolk & Portsmouth Beltline Railroad Company*, FD 36836, filed before the Surface Transportation Board.

2. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Request all responses that might otherwise be construed to be outside of its scope.

3. “Any” shall be construed as “all” and vice versa, as necessary to bring within the scope of the Request all information that might otherwise be construed to be outside of its scope.

4. “Norfolk Southern” or “NS” shall mean Norfolk Southern Corporation, Norfolk Southern Railway Company and their predecessors and successors in interest, as well as the present and former directors, officers, employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

5. “CSX Transportation, Inc.” or “CSXT” shall mean CSX Transportation, Inc., and its predecessors and successors in interest, as well as the present and former directors, officers,

employees, agents, managing agents, representatives, attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

6. “District Court Proceeding” shall mean *CSX Transportation, Inc. v. Norfolk Southern Railway Company*, No. 2:18-cv-00530 (E.D. Va. Oct. 4, 2018).

7. “Document” or “Documents” is used in the broadest possible sense permissible and includes, without limitation, all originals, copies (if the originals are not available), non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise) and drafts, whether printed or recorded (through a sound, video, or other electronic, magnetic, or digital recording system) or reproduced by hand, of the following: letters, correspondence, telegrams, telexes, memoranda, records, text messages, communications via Internet-connected application, summaries of personal conversations or interviews, minutes or records or notes of meetings or conferences, note pads, notebooks, postcards, “Post-It” or similar notes, stenographic notes, notes, notebooks, opinions or reports of financial advisors or consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, contracts, agreements, appraisals, analyses, purchase orders, confirmations, publications, articles, books, pamphlets, circulars, microfilm, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, photostats, speeches, data sheets, pictures, photographs, illustrations, blueprints, films, drawings, plans, tape recordings, videotapes, disks, diskettes, data tapes or readable computer-produced interpretations or transcriptions thereof, electronic messages, voice mail messages, interoffice communications, advertising, packaging and promotional materials, material of any sort and in any format maintained or available at any time on the World Wide Web (whether formerly, currently, or both), and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to any information contained in any computer, even if not yet printed out.

8. “Including” shall mean “including, without limitation” and “including but not limited to.”

9. “NPBL” shall mean Norfolk & Portsmouth Belt Line Railroad Company and its predecessors and successors in interest, as well as the present and attorneys, predecessors, successors, parents, subsidiaries, affiliates, divisions, area offices, and regional offices of the foregoing companies; and all Persons acting or purporting to act on their behalf.

10. “Relating to” as used herein with reference to a subject shall mean both of the following:

a. Containing, compromising, constituting, stating, setting forth, recording, contradicting, referring to, evidencing or in any way pertaining to, in whole or in part, that subject; and

b. Describing, discussing, reflecting, interpreting, identifying, concerning, in any way pertaining to, in whole or in part, that subject, or to be in any way logically or factually connected with the matter discussed.

11. “Relevant Period” shall refer to the period of time from January 1, 2018 through the Present, unless otherwise specified. If a Request does not specify a date range, the Relevant Period applies.

12. “You” and “Your” shall refer to CSXT as defined above.

13. The use of the singular shall be deemed to include the plural, as appropriate in context.

INSTRUCTIONS

The following Instructions apply to each Request set forth herein and are deemed incorporated in each Request:

1. In responding to these Requests, produce all Documents within the possession, custody, or control of CSXT, which includes in CSXT’s actual or constructive possession or control, including, without limitation, Documents, tangible things, and electronically stored information located in personal files, hard copy files, computer systems, smartphones, Internet-enabled messaging applications, networks, servers, CDs, DVDs, memory sticks, zip drives, hard drives, floppy disks, magnetic tapes, and other electronic media. Furthermore, a document does not have to have been dated or created during the Relevant Period in order to be responsive to a Request. The document merely must have been sent, analyzed, discussed, or otherwise used during the Relevant Period. This Instruction applies unless otherwise stated in the individual Request.

2. If there is no Document responsive to a particular Request, CSXT shall so state in writing.

3. If any Document or Communication called for by any Request is withheld because CSXT claims that it is privileged or otherwise protected from disclosure, CSXT must identify the Document or Communication so withheld and the privilege or doctrine CSXT claims. In the case of Documents of Communications that CSXT claims are privileged that relate to meetings or to other conversations, all participants in the meeting or conversation shall be identified.

4. Each Document requested herein must be produced in its entirety and without deletion, abbreviation, redaction (except for information that is both non-responsive and commercially sensitive), expurgation, or excisions, regardless of whether CSXT considers the entire Document to be relevant or responsive to these Requests. If CSXT has redacted any portion of a Document for privilege, stamp the word “redacted” on each page of the Document which CSXT has redacted, identifying the basis for such redaction.

5. CSXT must produce entire Documents including all attachments, cover letters, memoranda, and appendices, as well as the file, folder tabs, and labels appended to or containing any produced Documents. Copies that differ in any respect from an original shall be produced separately.

6. If CSXT objects to any Request or part of a Request, set forth the basis for CSXT’s objection with particularity and respond to all parts of the Request to which CSXT does not object.

7. All responsive Documents in existence as of the date of production are to be produced. These Requests are continuing in nature, up to and during the course of any hearing. Any Documents created or obtained after the date of production are to be produced under

CSXT's obligation to supplement CSXT's production immediately upon the creation or identification of additional responsive Documents.

8. For any responsive Documents that are no longer in existence, indicate the nature of the Document, its approximate date of creation, its author(s), and recipient(s), its approximate date of destruction or disposal, and the reason for and method by which its destruction or disposal took place.

9. All Documents responsive to these Requests shall be produced in accordance with any applicable rules and orders of the Surface Transportation Board, and subject to any agreement negotiated by and between the parties regarding the production of electronically stored information ("ESI").

10. ESI should be produced in accordance with the following specifications:

- a. Form of Production. Produce electronically stored information in single-page TIFF format (Group IV TIFF at 300 dpi) with standard Concordance formatted load file (.dat), including all metadata. Name each TIFF file with a unique name matching the Bates number (or similar identifying mark) labeled on the corresponding page. Group every 1000 TIFFs into a new folder; do not create a separate folder for each document.
- b. Image Load File. Provide an image load file (Opticon file) that contains document boundaries and page counts.
- c. Document Text. For documents that were originally stored as native electronic files and which do not have redactions, produce the extracted full text (not OCR) from the body of each document in separate document-level *.txt files named for the beginning Bates number of the associated document. Provide OCR text for documents without extracted text available (non-searchable PDFs, etc.). Group 1000 document text files per incrementally named "TEXT" directories, separate from image directories. For documents that were originally stored as native electronic files and which have redactions, produce the OCR text from the redacted image(s) associated with each document, in separate document-level *.txt files named for the beginning Bates number of the associated document. Clearly label any redacted material to show the redactions on the TIFF image.
- d. Native Production For Certain File Types. For files that reasonably require viewing in their native format for a full understanding of their content and meaning (including but not limited to certain PowerPoint or other special presentation programs or database files), produce the files in native and TIFF formats to the extent it is reasonably possible to do so. Name the produced native file with the Bates number on the first page of the corresponding TIFF production of the file / document or on the TIFF placeholder document (i.e., "slipsheet"). For Excel files, produce in native format with a slip sheet that includes a Bates number and text indicating "This document was produced in Native format." Group native files within incrementally named "NATIVE" directories; separate from images directories.

- e. Metadata. Produce extracted metadata for each document in the form of a Concordance load file (.dat), including the following fields (where applicable): Bates range begin, Bates range end, Bates family range begin, Bates family range end, email subject line, document subject, file name, email sent date, email sent time, created date, created time, last modified date, last modified time, family date, family time, author, from, to, CC, BCC, custodian, source and/or source folder, file extension, file type, page count, MD5 hash value, and native file path location. Documents should be produced in such fashion as to identify the location of the document and, where applicable, the natural Person in whose possession it was found.

11. Each Request shall be construed according to its own terms, subject to these Definitions and Instructions, unless otherwise specified. Although some of the Requests may overlap with others, no Request should be read as limiting any other.

12. If, in responding to these Requests, You claim any ambiguity in a Request, or in a Definition or Instruction applicable to a Request, such claim shall not be utilized as a basis for refusing to respond, but You shall set forth as part of Your response the language deemed to be ambiguous and the interpretation used in responding to the Request. Each Request is continuing in nature. If, after responding, You obtain or become aware of any additional Documents responsive to these Requests, You shall produce such additional Documents forthwith.

REQUESTS

1. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to allegations that NPBL had been transformed “from a neutral switching railroad into a tool wielded by NS to anticompetitive effect.”¹
2. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to allegations that NS “perpetuated an anticompetitive scheme to manipulate and conspire with NPBL to exclude CSXT from on-dock rail access at Norfolk International Terminals (“NIT”).”²
3. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 relating to CSXT’s “de minimis” service to NIT.³

¹ CSXT Petition to Reject Norfolk Southern’s Minor Application at 2, February 27, 2025, Norfolk Southern Corporation & Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line

Railroad Company, FD 36836.

² Id.

³ Id.

4. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to allegations that “NS and NPBL acted to keep [CSXT’s ‘de minimis service’] from being timely and effective.”⁴
5. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to the alleged “serious anticompetitive effects involving NS’s unauthorized control of NPBL.”⁵
6. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to the allegations that NS excluded CSXT from the “NIT on-dock rail market.”⁶
7. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to the allegations that NS “refus[ed] to consider service alternatives that would permit competitive access [to NIT].”⁷
8. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to any perceived future anticompetitive effects that CSXT predicts will arise from NS’s continued control of NPBL.
9. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to its past, current, and predicted future ability to access NIT, whether by rail or another mode of transportation.
10. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to the alleged “artificially high switch service” and why CSXT believes this rate to be “too high.”⁸
11. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to the alleged “delays in operating windows” that occurred at NPBL’s switching station.⁹
12. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its

⁴ Id.

⁵ Id. at 17.

⁶ Id. at 16.

⁷ Id. at 17.

⁸ Id. at 19.

⁹ Id.

employees relating to CSXT's efforts to change NPBL's governance and management as well as CSXT's efforts to convince NPBL to adopt CSXT's proposed switching rate changes.

13. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to CSXT's attempts to "reach out" to NS and NPBL with proposals regarding the "control issue."¹⁰
14. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to all traffic data (including but not limited to volume, type, etc.) regarding traffic that CSXT wanted to, but was allegedly unable to route, to NIT via NPBL.
15. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to CSXT's consideration of alternative routes for its traffic to and from both VIG and NIT.
16. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to how NPBL's existing cost-based uniform rate is "exclusionary" to CSXT.¹¹
17. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to CSXT's assertion that its proposed rate and service terms for intermodal switching movements to NPBL should not be refused because "no reasonable independent railroad looking to grow volumes would refuse."¹²
18. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to the alleged "harmful effects" of NS's "historical conduct."¹³
19. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees relating to NS's alleged "unlawful manipulation of NPBL."¹⁴

¹⁰ Id. at 27.

¹¹ CSXT's Reply to Norfolk Southern's Reply to CSXT's Petition to Reject at 2, March 10, 2025, Norfolk Southern Corporation & Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line Railroad Company, FD 36836.

¹² Id.

¹³ CSXT's Second Motion to Compel Production of Documents by Norfolk Southern Corporation and Norfolk Southern Railway Company and Request for Expedited Relief at 2, April 18, 2025, Norfolk Southern Corporation & Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line Railroad Company, FD 36836.

¹⁴ CSXT's Reply to NS's Petition for Reconsideration of a Portion of Decision No. 3 And NS's Petition for Stay of Decision No. 3 at 13, April 25, 2025, Norfolk Southern Corporation &

20. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees related to CSXT's alleged "zero market share" at NIT.¹⁵
21. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees related to the hypothetical situation involving NPBL without alleged NS control including any analyses regarding "competitive characteristics of [the] market."¹⁶
22. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees related to the allegation that NPBL lacks "neutrality."¹⁷
23. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees related to CSXT's decision to serve NIT or another terminal located in the Port of Virginia, including, but not limited to, comparative analyses, discussions, factors that were considered, etc.
24. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees related to contracts, including the contracts themselves, with shippers at the Port of Virginia, specifically contracts involving drayage service rather than rail service.
25. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and its employees and between CSXT and the Port of Virginia about CSXT's proposal to install a representative from the Port of Virginia as a Director on the NPBL Board of Directors.
26. Produce all Documents, including databases, data warehouses, and computer programs (with all documentation related to these databases and computer programs), in a computer-readable format, that include the information listed below for each movement handled by CSXT for any portion of the through movement, loaded or empty, that moved in or out of any East Coast Port by any means of transportation (including by drayage or other railroad) for each year or partial year from January 1, 2018 through December 31, 2024:

Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line Railroad Company, FD 36836.

¹⁵ CSXT's Petition to Reject Norfolk Southern's Revised Application at 2, June 20, 2025, Norfolk Southern Corporation & Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line Railroad Company, FD 36836.

¹⁶ Id. at 5.

¹⁷ Id. at 6-7.

- a) Name of the consignee, shipper, payee, and customer for each shipment record;
- b) Commodity Code (seven-digit Standard Transportation Commodity Code “STCC”);
- c) Toxic Inhalation Hazard/Poisonous Inhalation Hazard (“TIH/PIH”) Commodity Identifier;
- d) Origin station, State or Province, Standard Point Location Code (“SPLC”), and Freight Station Accounting Code (“FSAC”);
- e) Origin date and time (including Street and Terminal Time);
- f) Destination station, State or Province, SPLC, and FSAC;
- g) Destination date and time (including Street and Terminal Time);
- h) For shipments NS received in interchange, including in an origin switch, the on-junction location station, State or Province, SPLC, FSAC, and the railroad received from;
- i) For shipments given in interchange, including in a terminal switch, off-junction location station, State or Province, SPLC, FSAC, and the railroad given to;
- j) Full route interchange and carriers;
- k) Number of rail cars;
- l) Number of intermodal containers or trailers;
- m) Tons (Net);
- n) Total freight revenues from origin to destination, each railroad’s share of the total freight revenues in the event that railroad was not the sole carrier for a particular movement, including any adjustments thereto, along with a description of the adjustment (i.e., add to or subtract from gross revenue);
- o) Fuel surcharge;
- p) Haulage fees;
- q) Total freight cost;
- r) The contract, agreement, tariff, or other pricing authority that the shipment is billed under including the amendment and item numbers;
- s) Unique Waybill number and Waybill date;
- t) Car/trailer/container initial and number for each car/trailer/container used to move the shipment;

- u) The unique train identification initial and number of all trains used to move the shipment;
 - v) Total loaded movement miles;
 - w) Total loaded miles on CSXT's System;
 - x) Total empty movement miles;
 - y) Total empty miles on CSXT's System;
 - z) Intermodal service plan code and the intermodal line of business code for each intermodal shipment;
 - aa) Terminal Variable costs;
 - bb) Terminal Fixed costs;
 - cc) Terminal Ownership costs;
 - dd) Terminal Operations and Maintenance costs;
 - ee) Any other cost categories not otherwise provided;
 - ff) Additional trucking costs before or after rail move;
 - gg) Additional trucking miles before or after rail move;
 - hh) Trains Used; and
 - ii) Transit Time.
27. All Contracts that existed from January 1, 2018 through December 31, 2024 between POV and CSXT that govern drayage subsidies that POV gave to CSXT in order for CSXT to dray containers from NIT to CSXT's railyard.
 28. All Documents, marketing studies, market share reports, financial reports, and investment presentations, from January 1, 2018 through December 31, 2024, relating to CSXT's plans to: invest in VIG, to market international shipping containers to VIG, and to grow CSXT's market share at VIG.
 29. All Communications relating to marketing studies, market share reports, financial reports, and investment presentations, from January 1, 2018 through December 31, 2024, relating to CSXT's plans to: invest in VIG, to market international shipping containers to VIG, and to grow CSXT's market share at VIG.
 30. All profitability studies and division requirements that were created or used from January 1, 2018 through December 31, 2024 regarding CSXT's movements from NIT or VIG to the following markets:
 - a) Chicago, IL
 - b) Louisville, KY

c) Columbus, OH

d) Cincinnati, OH

31. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and POV regarding efforts to market and provide direct rail service to NIT.
32. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and potential customers, current customers, and ocean carriers requesting or offering CSXT direct rail service at NIT.
33. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through December 31, 2024 between CSXT and potential customers, current customers, and ocean carriers regarding the movement of traffic from VIG or NIT to other port terminals.
34. All Documents and Communications sent, analyzed, discussed, or otherwise used between CSXT and employees of NPBL relating to the use of NPBL by any entity other than CSXT from January 1, 2018-present.
35. All Documents and Communications sent, analyzed, discussed, or otherwise used between CSXT and a party other than NPBL relating to the use of NPBL by any entity other than CSXT from January 1, 2018-present.
36. All Documents sent, analyzed, discussed, or otherwise used pertaining to setting NPBL's rates, including rates to be charged for switch services from January 1, 2018-present.
37. Documents sufficient to show switch rates at all East Coast Ports served by CSXT from January 1, 2018-present.
38. All Documents sent, analyzed, discussed, or otherwise used relating to the use of NS locomotives by NPBL or on NPBL track from January 1, 2018-present.
39. All Documents sent, analyzed, discussed, or otherwise used relating to the use of CSXT locomotives by NPBL or on NPBL track from January 1, 2018-present.
40. All Documents sent, analyzed, discussed, or otherwise used relating to CSXT's proposals for revised rates, and any analysis or assessment performed regarding such proposals, including with respect to NPBL, NS, and/or port operations from January 1, 2018-present.
41. All Documents sent, analyzed, discussed, or otherwise used in which CSXT references CSXT's lack of access or means to restrict access to NIT, PMT (including Pinner's Point), or VIG and NPBL from January 1, 2018-present.
42. All Documents sent, analyzed, discussed, or otherwise used relating to competitive alternatives for customers shipping cargo through NIT, VIG, and PMT from January 1, 2018-present

43. Documents sufficient to show capacity shipped by CSXT through NIT, VIG, and PMT from January 1, 2018-present.
44. All Documents and Communications sent, analyzed, discussed, or otherwise used relating to any contract or agreement effective at any time between CSXT and NPBL, including all documents that constitute, memorialize, evidence, describe, or are part of or incorporated into such contract or agreement from January 1, 2018-present.
45. All Documents and Communications sent, analyzed, discussed, or otherwise used between or among NPBL and CSXT relating to access to NIT, including without limitation all Documents and Communications concerning CSXT's access to NIT via drayage and via rail, from January 1, 2018-present.
46. All Documents sent, analyzed, discussed, or otherwise used relating to communications between CSXT and any person other than NPBL or NS relating to the ownership, shareholder structure, or corporate governance of NPBL from January 1, 2018-present.
47. All Documents sent, analyzed, discussed, or otherwise used containing internal CSXT Communications relating to the ownership, shareholder structure, or corporate governance of NPBL from January 1, 2018 to present.
48. All Documents sent, analyzed, discussed, or otherwise used relating to Communications between CSXT and the Commonwealth of Virginia relating to intermodal freight operations at a Port of Virginia Terminal, including NIT, VIG, and PMT, from January 1, 2018-present.
49. All Documents and Communications sent, analyzed, discussed, or otherwise used between CSXT and NPBL relating to any rate or service proposal made to NPBL by NS from January 1, 2018- present.
50. All Documents sent, analyzed, discussed, or otherwise used relating to the analysis of CSXT's capacity to meet future demand for rail service to intermodal shippers moving in or out of any East Coast Port from January 1, 2018-present.
51. All Documents sent, analyzed, discussed, or otherwise used relating to the analysis of competition among various modes of inland transportation, including rail, truck, or barge operations, to serve shippers of intermodal freight moving in or out of any East Coast Port from January 1, 2018-present.
52. All Documents sent, analyzed, discussed, or otherwise used relating to business relationships concerning intermodal transportation services at the Port of Virginia that were acquired by CSXT after being held by NS, including all analysis of the reasons why CSXT was able to acquire the business from January 1, 2018-present.
53. All Documents and Communications sent, analyzed, discussed, or otherwise used relating to any proposed or contemplated expansion of terminal capacity, or intermodal freight-handling capacity, at NIT, VIG, or PMT from January 1, 2018-present.

54. All Documents and Communications sent, analyzed, discussed, or otherwise used between CSXT and NPBL relating to any evaluation or analysis of the capacity of the railroad infrastructure located within the Cities of Norfolk, Portsmouth, or Chesapeake, regardless of its ownership, to carry current or projected volumes of intermodal freight traffic passing through NIT, VIG, or PMT, from January 1, 2018-present.
55. All route maps for CSXT intermodal container transport, including inland ports operated by CSXT from January 1, 2018-present.
56. All Documents sent, analyzed, discussed, or otherwise used relating to actual or contemplated additions to or reductions from available CSXT intermodal or container transportation routes from January 1, 2018-present.
57. All Documents and Communications sent, analyzed, discussed, or otherwise used between or among any or all of CSXT, NPBL, and the Commonwealth of Virginia concerning planned or potential intermodal freight operations by NS or CSXT through NIT, VIG, or PMT from January 1, 2018-present.
58. All Documents and Communications sent, analyzed, discussed, or otherwise used between CSXT and the Commonwealth of Virginia concerning planned or potential future expansion of rail infrastructure, including the projected cost of such expansion, at the Port of Hampton Roads from January 1, 2018-present.
59. All operating timetables, station lists, station books, track charts, and condensed profiles for the NS System for any subdivision that includes Norfolk, VA that were prepared, considered, or in effect during the Relevant Period of January 1, 2018-present. If current versions of any of the requested documents are not available, produce the most recent versions that are available.
60. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to forecasts or projections prepared by CSXT or for CSXT, relating to future traffic volumes and/or revenues for International Intermodal freight traffic in or out of any East Coast Port.
61. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to studies or analyses of traffic volumes, railroad rates, or railroad costs for any intermodal railroad train movements in or out of any East Coast Port.
62. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to studies or analysis of railroad rates for International Intermodal freight traffic moving to or from all East Coast Ports.
63. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to traffic that could be moved by CSXT on NPBL.
64. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to studies, analyses, and reports relating to rates that CSXT has charged or could charge for traffic moving on NPBL.

65. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to the actual, estimated, hypothetical or proposed railroad rates for traffic moving via the NPBL System.
66. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to the actual, estimated, hypothetical or proposed railroad costs for traffic moving via the NPBL System
67. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to competition for intermodal traffic to or from all East Coast Ports, including competition between CSXT and NS and competition between freight rail transportation, truck transportation, and alternative ports.
68. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present that show, reflect, or discuss NPBL's costs, including the following:
 - a) Switching Crew;
 - b) Yard Staff;
 - c) Fuel;
 - d) Locomotive Maintenance;
 - e) Track Maintenance;
 - f) Locomotive Depreciation; and
 - g) Track Infrastructure.
69. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to the calculation of costs NPBL would incur to provide switching for CSXT intermodal containers.
70. All Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present between NPBL and VPA or VIT relating to NPBL's actual or projected operating costs, including costs for switching traffic for other carriers.
71. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to NPBL's operations or service over NS's track for access to NIT.
72. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to the impact of NS's use of NPBL to access NIT.
73. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to the use of NS's Portlock Yard, including the ability to avoid use of Portlock Yard, in the movement of NPBL traffic.

74. All Documents sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to the trackage rights fee charged by NS to NPBL for the use of NS track, including any change in the level of the trackage rights fee.
75. All Documents and Communications sent, analyzed, discussed, or otherwise used from January 1, 2018 through the present relating to truck restrictions and potential transportation alternatives along the drayage route(s).

INTERROGATORIES

1. Describe all persons who have contributed to the information contained in the CSXT submissions in this proceeding.
2. Describe all formal written agreements or undertakings between CSXT and NPBL that have existed at any point since January 1, 2018.
3. Identify all operational changes for traffic moving to or from NIT that were considered or adopted by CSXT between January 1, 2023 – present.

Respectfully submitted,

//s// William A. Mullins

William A. Mullins
Rose-Michele Nardi
Crystal M. Zorbaugh
John V. Edwards
MULLINS LAW GROUP PLLC
2001 L St., N.W.
Suite 720
Washington, D.C. 20036
Tel.: (202) 663-7823

Joseph H. Carpenter
Thomas E. Zoeller
Hanna M. Chouest
NORFOLK SOUTHERN CORPORATION
650 W Peachtree St N.W.
Atlanta, GA 30308
Tel: (470) 571-5208

July 11, 2025

Attorneys for Norfolk Southern Corporation and
Norfolk Southern Railway Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing *NS's First Set of Requests for Production of Documents and Interrogatories to CSX Transportation, Inc.* to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ William Mullins

William Mullins
*Counsel for Norfolk Southern Corporation
and Norfolk Southern Railway Company*

July 11, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36836

NORFOLK SOUTHERN CORPORATION &
NORFOLK SOUTHERN RAILWAY COMPANY
—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

EXHIBIT 4

OCTOBER 6-10, 2025 EMAILS BETWEEN CSXT AND NS REGARDING
DISCOVERY

Snyder, Elizabeth

From: Fox, Molly Bruder
Sent: Friday, October 10, 2025 5:14 PM
To: Crystal Zorbaugh; Denton, Peter; alj.soulikias.inbox@stb.gov
Cc: William Mullins; John Edwards; Michael.Lacy; Spencer Naake; Tara Reinhart; Michaela Bowles
Subject: RE: Notices of Deposition Directed to CSX Transportation, Inc.

Crystal,

Thank you for your email and confirming the expert deposition dates. Below, I have responded to the various topics in your email.

Anticipated CSXT Production Schedule

Your understanding is correct that CSXT plans to complete its production of responsive documents, subject to its objections, by October 24. This will include documents responsive to NS's third set of requests (served on October 3), subject to our forthcoming objections to those requests. We expect that NS will not serve any additional document requests or interrogatories. CSXT's position is that any additional document discovery or interrogatories are too late and would only serve to delay the schedule.

Request for Clarification No. 4

CSXT will endeavor to respond to request for clarification No. 4. Please send us an updated set of requests adding request No. 4. You can include the original date and just indicate that Request for Clarification number 4 has been added as of yesterday. This will provide for a clear record if there should ever be a need to reference it. Given the tight schedule, as an accommodation, CSXT will respond to request No. 4 with our responses and objections that are due on October 20.

Requests for Clarification Generally

CSXT intends to provide its responses and objections to NS's request for clarification on October 20, when its responses and objections to the document requests and interrogatories are due. CSXT will be objecting to the scope of select requests for clarification and substantively responding to other requests.

Schedule Extension

CSXT will oppose your motion for extension once the government reopens. The motion was premature. Absent NS's delay in serving its third set of requests, CSXT would have been done producing documents three weeks before NS's current deadline. Moreover, there is absolutely no basis for requesting that the ALJ certify the productions. Such a procedure would only serve to delay the proceeding.

There is no reason to delay the depositions of Mr. Armbrust and Ms. Kenney. In the notice you sent this week, NS offered to take Mr. Armbrust's deposition on October 28th in Jacksonville. Mr. Armbrust and Ms. Kenney are both available on October 29th in Jacksonville. CSXT can provide a location to host the deposition at McGuire Woods' offices in Jacksonville, unless NS would prefer to provide the location. Alternatively, if NS counsel can no longer travel to Jacksonville, we would agree to a remote deposition protocol.

I am available to discuss these issues, if you'd like to speak with me.

Regards,
Molly

From: Crystal Zorbaugh <czorbaugh@mullinslawgroup.net>
Sent: Thursday, October 9, 2025 5:53 PM
To: Fox, Molly Bruder <mbfox@steptoe.com>; Denton, Peter <pdenton@steptoe.com>; alj.soulitikias.inbox@stb.gov
Cc: William Mullins <wmullins@mullinslawgroup.net>; John Edwards <jedwards@mullinslawgroup.net>; Michael.Lacy <michael.lacy@troutman.com>; Spencer Naake <snaake@mullinslawgroup.net>; Tara Reinhart <tara.reinhart@skadden.com>; Michaela Bowles <mbowles@mullinslawgroup.net>
Subject: [EXTERNAL] Re: Notices of Deposition Directed to CSX Transportation, Inc.

Molly,

Thank you for your update on your plans for completing discovery. As I understood from your email, we will get more than 2,000 documents this week (we actually received this production late last evening). You also stated that you anticipate completing production, subject to your existing and forthcoming objections, by October 24. To be clear, I read that as you will be providing all responsive documents you intend to produce to Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively "Norfolk Southern" or "NS"), for all discovery served on CSXT, including but not limited to NS's Third Set of Interrogatories, Requests for Production of Documents, and Requests for Clarification ("NS Third Set"), which were served on October 3, by October 24. Please confirm my understanding.

Since I sent the NS Third Set, we actually discovered one other area that warrants clarification. Do you need me to send a formal request for this additional request? If so, let me know.

Request for Clarification No. 4

Ms. Carey included in her workpapers the file "HC-WP Truck vs Rail Rate per Container Mile.xlsx" in which she appears to have calculated the average truck rate per mile for movements to and from Norfolk and Portsmouth, VA. Ms. Carey's file included the worksheet "DAT RV SPOT HIST 2023" which contains the trucking rate data that she used in her analysis. It appears Ms. Carey obtained the trucking rate data from the firm DAT Freight & Analytics. We have searched the DAT Freight & Analytics website to see if we could find field definitions and data decoders for the data used by Ms. Carey, but it appears the firm does not publicly publish that information. NS thus requests that CSXT or Ms. Carey provide the field definitions and data decoders for the DAT Freight & Analytics data used by Ms. Carey.

NS appreciates your commitment to endeavor to frontload documents where Ms. Kenney or Mr. Armbrust is the custodian or otherwise included in the communication. NS interprets this as including in response to answering NS's three requests ("four, including the additional one in this email) for clarification in "NS Third Set." If you could please confirm that, we would appreciate that. If you cannot confirm that, please let us know that as well.

As you know, on September 30, 2025, NS filed a Letter Motion to Modify the Procedural Schedule & Seek the ALJ's Assistance ("Letter Motion"). In the Letter Motion, NS asked that the Board modify the procedural schedule and asked the ALJ to help facilitate CSXT and NS wrapping up discovery (both document production and taking of depositions). Our requested extension simply requested that we be given the same 20 days CSXT was given to finalize our evidence upon completion of discovery (CSXT's satisfaction of document production and NS's taking of depositions). The government shutdown is now in its ninth day. Per the current procedural schedule, our evidence is due November 6, 2025. I anticipate the Board will grant an extension of some number of days due to production delays and to afford NS time to review the documents produced and complete depositions. In the interest of moving this along, we are

asking that CSXT consent to NS having 20 days from the date that ALJ Soulikias certifies to the Board of CSXT, VPA, and VIT's completion of discovery (satisfaction of document production and NS's taking of depositions) to file its evidence. In exchange, we agree to depose Ms. Kenney and Mr. Armbrust in Jacksonville at a mutually agreed-upon date. Both depositions will be half-day (four-hour) depositions and occur on the same to-be-determined date.

Given CSXT's proposed timeline for production and that both depositions will occur in Jacksonville, the earliest we could conduct those depositions would be the week of November 3rd. Counsel for NS is available on November 6, 2025, should CSXT be willing to consent to an extension in the procedural schedule.

With respect to the other three Notices of Deposition, we agree to the following deposition schedule for Carey, Miller, and Huneke, contingent on CSXT completing document production by October 24 and subject to CSX Transportation, Inc. frontloading the clarifications requested in the "NS Third Set." NS reserves the right to change these date should there be further delays or significant controversies develop in production of responsive documents to Norfolk Southern's First Set of Requests for Production of Documents and Interrogatories to CSX Transportation, Inc., which was served on July 11, 2025 ("First Requests"), Norfolk Southern's Second Set of Requests for Production of Documents to CSX Transportation, Inc., which was served on July 31, 2025 ("Second Requests"), and Norfolk Southern Corporation and Norfolk Southern Railway Company's Third Set of Interrogatories, Requests for Production of Documents, and Requests for Clarification to CSX Transportation, Inc. ("Third Requests") arise.

- NS will conduct the deposition of Ms. Carey on Tuesday, October 28, at Skadden.
- NS will conduct the deposition of Mr. Huneke on Tuesday, November 4, at the Mullins Law Group offices.
- NS will conduct the deposition of Dr. Miller on Thursday, October 30, at Skadden.

Happy to discuss this proposal via a meet and confer if you would like, and I look forward to your response.

Best,

Crystal



Crystal Zorbaugh
Partner

2001 L Street NW, Suite 720
Washington, DC 20036

202-663-7831 Direct
240-501-9620 Cell
czorbaugh@mullinslawgroup.net
mullinslawgroup.net

The above message may be privileged, confidential and protected from disclosure by attorney/client work product or other privileges. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error. Then delete it. Thank you.

From: Fox, Molly Bruder <mbfox@steptoe.com>

Sent: Tuesday, October 7, 2025 7:33 PM

To: Crystal Zorbaugh <czorbaugh@mullinslawgroup.net>; Denton, Peter <pdenton@steptoe.com>;
alj.soulikias.inbox@stb.gov <alj.soulikias.inbox@stb.gov>

Cc: William Mullins <wmullins@mullinslawgroup.net>; John Edwards <jedwards@mullinslawgroup.net>;
Michael.Lacy <michael.lacy@troutman.com>; Spencer Naake <snaake@mullinslawgroup.net>; Reinhart, Tara
L (WAS) <tara.reinhart@skadden.com>; Michaela Bowles <mbowles@mullinslawgroup.net>

Subject: RE: Notices of Deposition Directed to CSX Transportation, Inc.

Crystal,

We have received your deposition notices and are working with the witnesses to coordinate their availability.

Regarding our production, we had expected to complete CSXT's production by 10/17. In light of NS's third set of requests that were served on 10/3, we anticipate completing production, subject to our existing and forthcoming objections, by 10/24. We will be making a production of more than 2,000 documents this week. In our upcoming productions, we will endeavor to frontload documents where Ms. Kenney or Mr. Armbrust are the custodian or otherwise included on the communication.

We are willing to meet and confer on the deposition scheduling as you suggest. As of now, we have the following dates to propose and a few questions:

- Carey deposition – Ms. Carey is available on Tuesday October 28. Can you conduct the deposition then?
- Huneke deposition – Mr. Huneke is available on Tuesday November 4. Can you conduct the deposition then?
- Miller deposition – Dr. Miller is available to be deposed on Thursday October 30, as you have proposed.
- Kenney and Armbrust depositions – We are working with the witnesses on scheduling. Is it your intention to take both witnesses on the same day? You noticed the depositions for 9am and 2pm. Was it your intention to conclude the Kenney deposition and then begin the Armbrust deposition? In the Armbrust notice, you noted a willingness to conduct the deposition in Jacksonville. We would like both the Armbrust and Kenney depositions to occur in Jacksonville.

Please feel free to propose a few times to speak if you still believe a meet and confer would be useful.

Regards,

Molly

Molly Bruder Fox
Partner

Steptoe

Steptoe LLP | 1330 Connecticut Avenue NW | Washington, DC 20036
[+1 202 429 8157](tel:+12024298157) direct | mbfox@steptoe.com | www.steptoelaw.com | www.steptoebio.com | [Steptoe Bio](#)

From: Crystal Zorbaugh <czorbaugh@mullinslawgroup.net>
Sent: Monday, October 6, 2025 9:02 PM
To: Denton, Peter <pdenton@steptoe.com>; alj.soulikias.inbox@stb.gov; Fox, Molly Bruder <mbfox@steptoe.com>
Cc: William Mullins <wmullins@mullinslawgroup.net>; John Edwards <jedwards@mullinslawgroup.net>; Michael.Lacy <michael.lacy@troutman.com>; Spencer Naake <snaake@mullinslawgroup.net>; Tara Reinhart <tara.reinhart@skadden.com>; Michaela Bowles <mbowles@mullinslawgroup.net>
Subject: [EXTERNAL] Notices of Deposition Directed to CSX Transportation, Inc.

Peter and Molly,

Please find attached five Notices of Depositions in Norfolk Southern Railway Company – Control Acquisition – Norfolk & Portsmouth Belt Line Railroad Company, FD No. 36836. Please review the Notices of Depositions, and let's schedule a meet and confer in hopes of handling this amicably. Also, as noted in my update to the Board last week, while CSX Transportation, Inc. promised rolling productions, we have only received one small production to date, despite our first requests being sent nearly three months ago and our second requests being sent over two months ago. Please provide an update as to when we should expect additional rolling productions.

Best,

Crystal



Crystal Zorbaugh

Partner

2001 L Street NW, Suite 720

Washington, DC 20036

202-663-7831 Direct

240-501-9620 Cell

czorbaugh@mullinslawgroup.net

mullinslawgroup.net

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CERTIFICATE OF SERVICE

I hereby certify that I have caused this CSX Transportation, Inc.'s Reply to Norfolk Southern's Motion to Modify the Procedural Schedule in Finance Docket No. 36836 to be served electronically or by first class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Administrative Law Judge Jenifer Soulikias, Applicants' representative, William Mullins, and all parties of record in this proceeding.

/s/ Elizabeth Snyder
Elizabeth Snyder
Attorney for CSX Transportation, Inc.

November 13, 2025