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Office of Chief Counsel

July 10, 2026

Part of

Public Record

Via Electronic Mail

July 9, 2026

Hon. Jenifer J. Soulikias
Administrative Law Judge
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36873, *Union Pacific Corp., et al. - Control - Norfolk Southern Corp., et al.*

Dear Judge Soulikias:

In light of Your Honor's Decision No. 25, directing the parties to propose discovery deadlines, including a deadline for document discovery requests, Applicants write today. We have received an email from counsel for BNSF sharing its position as to discovery deadlines, and we have shared the deadlines in this letter with counsel for the non-Applicant Class I railroads. The Applicants remain available to confer with Participants regarding our proposed discovery schedule, and are submitting this letter in order to allow Your Honor to consider it in advance of the July 10 conference.

Applicants agree that reasonable deadlines are necessary to move this proceeding forward. Applicants respectfully submit that reasonable deadlines must account for the large number of Participants and discovery requests in this proceeding, and must reserve to each party authority to determine how to reasonably comply with its discovery obligations. Consistent with that position, Applicants propose the following discovery schedule and corresponding discovery parameters:

- By August 17, 2026, Applicants shall substantially complete custodial productions for the Applicants' Initial Custodians and their production of non-custodial documents responsive to requests served before June 30, 2026.¹
- Applicants' production of all custodial files shall be subject to the discovery parameters and limitations identified in Exhibit A, attached hereto.

¹ Initial Custodians are identified in Exhibit A to this letter.

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- Service of discovery requests concerning the Amended Application and Applicants' submissions in response to Decision 21 shall be served by August 3, 2026.
- By September 18, 2026, Applicants shall substantially complete production of documents responsive to all discovery requests served by August 3, 2026, including custodial productions for the remaining custodians named in Decision No. 25.
- The parties, including Applicants and non-Applicant Participants, are entitled to determine a reasonable, efficient, and defensible process for identifying and producing responsive custodial documents, including using search terms and TAR. The parties shall make reasonable efforts to respond to questions from other parties about their discovery methods.

This proposal is consistent with Applicants' expressed desire to move forward with discovery efficiently, as well as the parties' efforts to set a reasonable schedule.

Sincerely,

/s/Laura Flahive Wu

Laura Flahive Wu
*Attorney for Union Pacific
Corporation and Union
Pacific Railroad Company*

cc: ALJ Soulikias
All Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2026, the foregoing document was served by first-class mail or email on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias.

/s/ Charlotte Krovoza

Exhibit A**UP Discovery Parameters**

Search Term No.	Time Period	Custodians	Search Terms
1	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (merg* OR transaction OR combination OR acqui* OR control)
2	1/1/2019 to 2/17/2026	All 36 Custodians	(BNSF OR CSX OR CSXT OR "Norfolk Southern" OR NS OR CPKC OR CP OR "Canadian Pacific" OR KCS OR CN OR "Canadian National") AND ("cooperative agreement" OR "joint venture" OR alliance)
3	1/1/2024 to 12/31/2025	All 36 Custodians	"capital budget" OR "capital spending" OR "capital program" OR "capital forecast" OR "annual operating plan" OR "long range plan"
4	1/1/2019 to 2/17/2026	All 36 Custodians	fail* w/25 interline
5	1/1/2019 to 2/17/2026	All 36 Custodians	((yard* OR shop* OR facilit*) w/25 (closing* OR closure* OR rationalize)) AND (price* OR cost*)
6	1/1/2019 to 2/17/2026	All 36 Custodians	interline w/25 (pric* OR quality OR efficien*)
7	1/1/2019 to 2/17/2026	All 36 Custodians	(facilit* w/25 new) w/20 (offer OR bid)
8	1/1/2019 to 2/17/2026	All 36 Custodians	Buffer w/3 (capacity OR employee OR crew OR equipment OR locomotive)
9	1/1/2019 to 2/17/2026	All 36 Custodians	(invest* OR improv*) w/25 (interline OR interchange)
10	7/30/2024 to 2/17/2026	All 36 Custodians	Committed w/2 Gateway
11	7/30/2024 to 2/17/2026	All 36 Custodians	(BNSF OR CSX) w/5 rate
12	1/1/2020 to 2/17/2026	All 36 Custodians	"single line" AND interline AND compet*
13	1/1/2020 to 2/17/2026	All 36 Custodians	interchange w/5 (alternat* OR compet*)
14	1/1/2019 to 2/17/2026	All 36 Custodians	pricing w/5 (formula OR model OR polic* OR strateg* OR system)
15	1/1/2019 to 2/17/2026	All 36 Custodians	(negotiat* OR strateg*) w/10 (bundl* OR tying OR tie OR link* OR leverag* OR multi* OR refun* OR discount* OR waiv*)
16	1/1/2020 to 2/17/2026	All 36 Custodians	amtrak AND (sedalia OR "jefferson city" OR "river subdivision" OR chicago) AND (complain* OR disput*)

17	7/30/2024 to 2/17/2026	All 36 Custodians	"Service Assurance"
18	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (Integ* OR operat* OR diver* OR safety OR "rail service" OR labor OR employment OR ((passenger OR commuter) w/5 service) OR (yard w/2 control) OR (train w/2 build*) OR (transport* w/2 manag*))
19	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (debt OR revenue OR earning* OR EBITDA OR leverage OR (operating w/2 ratio) OR cost* OR synerg* OR competit* OR rate* OR (market w/2 share*) OR concession* OR consolid* OR shareholder* OR invest* OR efficienc* OR growth)
20	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND ((Board w/5 Director*) OR (Board w/10 Committee))
21	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (gateway* w/10 (traffic OR I-5))
22	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND share* AND (TRRA OR (Terminal w/2 Railroad) OR PPU OR TTX OR (Peoria w/2 Pekin))
23	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND ((rail w/2 rail) OR watershed OR (lane* w/2 traffic) OR (cross w/2 town w/2 move) OR (data w/2 integ) OR (technolog* w/2 cutover))

24	7/30/2024 to 2/17/2026	All 36 Custodians	(Opal OR "Norfolk Southern" OR NS OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND ((single w/2 (carrier OR line)) OR "parallel route*" OR defens* OR Amtrak OR "partnership agreement" OR (transition* w/2 service) OR freight OR port* OR trade OR "vertical effect*" OR (negot* w/20 contract*) OR (traffic w/2 (manifest OR level*)) OR "principal route*" OR (truck w/2 rail) OR IT OR tech* OR (service* w/2 disrupt*))
25	1/1/2019 to 2/17/2026	All 36 Custodians	((plan OR strateg*) W/20 (grow* OR increas* OR retain)) W/5 (Volume OR Rail OR Traffic))
26	1/1/2019 to 2/17/2026	All 36 Custodians	((PSR OR "Precision Scheduled Railroading") W/10 service)
27	1/1/2019 to 2/17/2026	All 36 Custodians	((plan OR strateg*) W/20 (retain OR increas*)) W/5 revenue)
28	1/1/2019 to 2/17/2026	All 36 Custodians	(traffic W/5 forecast)
29	1/1/2019 to 2/17/2026	All 36 Custodians	((BNSF OR Basalt OR CSX OR Cobalt OR "Norfolk Southern" OR NS) W/20 (merg* OR transaction OR combination OR acqui* OR control)) OR "transcontinental rail*")
30	3/12/2023 to 2/17/2026	All 36 Custodians	(falcon W/2 premium)

	Custodian	Time Period	Status
1	Eric Gehringer	1/1/2019 to 2/17/2026	Initial Custodian
2	Matthew Graham	1/1/2019 to 2/17/2026	Initial Custodian
3	Grant Janke	1/1/2019 to 2/17/2026	Initial Custodian
4	Katherine Novak	1/1/2019 to 2/17/2026	Initial Custodian
5	Maqui Parkerson	1/1/2019 to 2/17/2026	Initial Custodian
6	Joshua Perkes	1/1/2019 to 2/17/2026	Initial Custodian
7	Carrie Powers	1/1/2019 to 2/17/2026	Initial Custodian
8	Kenny Rocker	1/1/2019 to 2/17/2026	Initial Custodian
9	John Turner	1/1/2019 to 2/17/2026	Initial Custodian
10	Jim Vena	1/1/2019 to 2/17/2026	Initial Custodian
11	Todd Rynaski	1/1/2019 to 2/17/2026	Initial Custodian
12	Jennifer Hamann	1/1/2019 to 2/17/2026	Initial Custodian
13	Mike Miller	1/1/2019 to 2/17/2026	Initial Custodian
14	Rahul Jalali	1/1/2019 to 2/17/2026	Initial Custodian
15	Corrie Schumaker	1/1/2019 to 2/17/2026	Initial Custodian
16	Beth Whited	1/1/2019 to 2/17/2026	Initial Custodian
17	Rebecca Gregory	1/1/2022 to 2/17/2026	Additional Custodian
18	Brad Moore	1/1/2022 to 2/17/2026	Additional Custodian
19	Jennifer Bailey	1/1/2022 to 2/17/2026	Additional Custodian
20	Mike Santa Maria	1/1/2022 to 2/17/2026	Additional Custodian
21	Carl Garrison	1/1/2022 to 2/17/2026	Additional Custodian
22	Jamie Peters	1/1/2022 to 2/17/2026	Additional Custodian
23	David Hughes	1/1/2022 to 2/17/2026	Additional Custodian
24	Steven Bybee	1/1/2022 to 2/17/2026	Additional Custodian
25	Elise Gosch	1/1/2022 to 2/17/2026	Additional Custodian
26	Hunsdon Cary, IV	1/1/2022 to 2/17/2026	Additional Custodian
27	Jacque Bendon	1/1/2022 to 2/17/2026	Additional Custodian
28	Jason Hess	1/1/2022 to 2/17/2026	Additional Custodian
29	Kari Kirchhoefer	1/1/2022 to 2/17/2026	Additional Custodian
30	Ryan Steinbach	1/1/2022 to 2/17/2026	Additional Custodian
31	Laura Heisterkamp	1/1/2022 to 2/17/2026	Additional Custodian
32	Jason Steele	1/1/2022 to 2/17/2026	Additional Custodian
33	Andrew Brady	1/1/2022 to 2/17/2026	Additional Custodian
34	Jeff Pincock	1/1/2022 to 2/17/2026	Additional Custodian
35	Dan McLaughlin	1/1/2022 to 2/17/2026	Additional Custodian
36	Lance Fritz	1/1/2022 to 2/17/2026	Additional Custodian

NS Discovery Parameters

Search Term No.	Time Period	Custodians	Search Terms
1	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (merg* OR transaction OR combination OR acqui* OR control)
2	7/30/2024 to 2/17/2026	All 30 Custodians	(Committed w/2 Gateway) OR ((BNSF OR CSX) w/5 rate)
3	7/30/2024 to 2/17/2026	All 30 Custodians	"Service Assurance"
4	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (Integ* OR operat* OR diver* OR safety OR "rail service" OR labor OR employment OR ((passenger OR commuter) w/5 service) OR (yard w/2 control) OR (train w/2 build*) OR (transport* w/2 manag*))
5	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (debt OR revenue OR earning* OR EBITDA OR leverage OR (operating w/2 ratio) OR cost* OR synerg* OR competit* OR rate* OR (market w/2 share*) OR concession* OR consolid* OR shareholder* OR invest* OR efficienc* OR growth)
6	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND ((Board w/5 Director*) OR (Board w/10 Committee))
7	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (gateway* w/10 (traffic OR I-5))
8	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND (share* and (TRRA OR (Terminal w/2 Railroad) OR PPU OR TTX OR (Peoria w/2 Pekin))
9	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND ((rail w/2 rail) OR watershed or (lane* w/2 traffic) OR (cross w/2 town w/2 move) OR (data /2 integ) OR (technolog* w/2 cutover))

10	7/30/2024 to 2/17/2026	All 30 Custodians	(Opal OR "Union Pacific" OR "UP" OR Nickel OR Ruby OR Pegasus OR Cobalt OR Basalt) AND ((single w/2 (carrier OR line)) OR "parallel route*" OR defens* OR Amtrak OR "partnership agreement" OR (transition* w/2 service) OR freight OR port* OR trade OR "vertical effect*" OR (negot* /s contract*) OR (traffic w/2 (manifest or level*)) OR "principal route*" OR (truck w/2 rail) OR IT or tech* OR (service* w/2 disrupt*) OR carload OR "supply chain" OR (market* w/2 agree*))
11	1/1/2019 to 2/17/2026	All 30 Custodians	(BNSF or CSX* or "Union Pacific" or "UP" or CPKC or CP or "Canadian Pacific" or KCS or CN or "Canadian National") AND ("cooperative agreement" or "joint venture" or alliance)
12	1/1/2024 to 12/31/2025	All 30 Custodians	"capital budget" or "capital spending" or "capital program" or "capital forecast" or "annual operating plan" or "long range plan"
13	1/1/2019 to 2/17/2026	All 30 Custodians	(eastern w/s (Pennsylvania OR PA)) AND (capacity OR carload* OR tonnage OR operat*)
14	1/1/2019 to 2/17/2026	All 30 Custodians	(fail* w/25 interline)
15	1/1/2019 to 2/17/2026	All 30 Custodians	((yard* or shop* or facilit*) w/25 (closing* or closure* or rationalize)) AND (price* or cost*)
16	1/1/2019 to 2/17/2026	All 30 Custodians	interline w/25 (pric* OR quality OR efficien*)
17	1/1/2019 to 2/17/2026	All 30 Custodians	(facilit* w/25 new) w/20 (offer OR bid)
18	1/1/2019 to 2/17/2026	All 30 Custodians	(buffer w/3 (capacity OR employee OR crew OR equipment OR locomotive))
19	1/1/2019 to 7/29/2025	All 30 Custodians	((invest* OR improv*) w/25 (interline or interchange))
20	1/1/2019 to 2/17/2026	All 30 Custodians	(Rockport OR Middletown OR Enon OR Waynesburg OR Brownsville OR New Orleans OR Columbus) AND (operation* OR dispatch* OR assignment OR (availab* w/3 (equipment OR crews)) OR infrastructure OR improv* OR invest* OR movement* OR metric* OR capacity)
21	1/1/2019 to 2/17/2026	All 30 Custodians	(negotiat* or strateg*) w/10 (bundl* OR tying OR tie OR link* OR leverag* OR "multiple facilit*" OR multi* OR refun* or discount* or waiv*)
22	1/1/2020 to 2/17/2026	All 30 Custodians	("single line" AND interline AND compet*)

23	1/1/2020 to 2/17/2026	All 30 Custodians	interchange w/5 (alternat* OR compet*)
24	1/1/2019 to 2/17/2026	All 30 Custodians	(BNSF or CSX* or "Union Pacific" or "UP" or CPKC or CP or "Canadian Pacific" or KCS or CN or "Canadian National") AND ("cooperative agreement" or "joint venture" or alliance)
25	1/1/2019 to 2/17/2026	All 30 Custodians	(pricing w/5 (formula OR model OR polic* OR strateg* OR system))
26	1/1/2020 to 2/17/2026	All 30 Custodians	((amtrak) AND (sedalia OR "jefferson city" OR "river subdivision" OR chicago)) AND complain* OR disput*)
27	1/1/2019 to 2/17/2026	All 30 Custodians	((BNSF or Basalt or CSX or Cobalt or "Norfolk Southern" or NS) w/20 (merg* or transaction or combination or acqui* or control)) or "transcontinental rail*"
28	1/1/2024 to 5/31/2024	All 30 Custodians	"lane rationalization" OR (lane w/5 ration*)
29	3/15/2025 to 2/17/2026	All 30 Custodians	louisville and "norfolk southern" and "interline service"
30	1/1/2019 to 2/17/2026	All 30 Custodians	((plan OR strateg*) w/20 (grow* OR increas* OR retain) W/5 (volume or rail or traffic))
31	1/1/2019 to 2/17/2026	All 30 Custodians	traffic W/5 forecast
32	1/1/2019 to 2/17/2026	All 30 Custodians	(PSR OR "Precision Scheduled Railroading") w/10 service
33	1/1/2019 to 2/17/2026	All 30 Custodians	(negotiat* or strateg*) w/10 (bundl* OR tying OR tie OR link* OR leverag* OR "multiple facilit*")
34	1/1/2019 to 2/17/2026	All 30 Custodians	((plan OR strateg*) w/20 (retain OR increas*) w/5 revenue)

	Custodian	Time Period	Status
1	Mark George	1/1/2019 to 2/17/2026	Initial Custodian
2	John Orr	1/1/2019 to 2/17/2026	Initial Custodian
3	Claude Elkins	1/1/2019 to 2/17/2026	Initial Custodian
4	Mike Barr	1/1/2019 to 2/17/2026	Initial Custodian
5	Anil Bhatt	1/1/2019 to 2/17/2026	Initial Custodian
6	Ed Boyle	1/1/2019 to 2/17/2026	Initial Custodian
7	Felisima de Oliveriera	1/1/2019 to 2/17/2026	Initial Custodian
8	Jacob Elium	1/1/2019 to 2/17/2026	Initial Custodian
9	John Felps	1/1/2019 to 2/17/2026	Initial Custodian
10	Stefan Loeb	1/1/2019 to 2/17/2026	Initial Custodian
11	Mike McClellan	1/1/2019 to 2/17/2026	Initial Custodian
12	Kathleen Smith	1/1/2019 to 2/17/2026	Initial Custodian
13	Dwayne Swindall	1/1/2019 to 2/17/2026	Initial Custodian
14	Yannik Thomas	1/1/2019 to 2/17/2026	Initial Custodian
15	Shawn Tureman	1/1/2019 to 2/17/2026	Initial Custodian
16	Jason Zampi	1/1/2019 to 2/17/2026	Initial Custodian
17	Randolph "Scott" St. Clair	1/1/2019 to 2/17/2026	Additional Custodian
18	Tim Livingston	1/1/2019 to 2/17/2026	Additional Custodian
19	Craig Hudson	1/1/2019 to 2/17/2026	Additional Custodian
20	Rob Jones	1/1/2019 to 2/17/2026	Additional Custodian
21	Mike Grim	1/1/2019 to 2/17/2026	Additional Custodian
22	Marybeth Flournoy	1/1/2019 to 2/17/2026	Additional Custodian
23	Christine Traubel	1/1/2019 to 2/17/2026	Additional Custodian
24	Frank Voyack	1/1/2019 to 2/17/2026	Additional Custodian
25	Elizabeth Talton-Buck	1/1/2019 to 2/17/2026	Additional Custodian
26	Alan Shaw	1/1/2019 to 2/17/2026	Additional Custodian
27	James Squires	1/1/2019 to 2/17/2026	Additional Custodian
28	Paul Duncan	1/1/2019 to 2/17/2026	Additional Custodian
29	Cindy Sanborn	1/1/2019 to 2/17/2026	Additional Custodian
30	Michael Wheeler	1/1/2019 to 2/17/2026	Additional Custodian