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By E-Filing

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

July 22, 2026

ENTERED
 Office of Chief Counsel
 July 22, 2026
 Part of
 Public Record

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

Dear Judge Soulikias:

Applicants submit the following brief description of the issues to be resolved at the July 24, 2026, discovery conference, as well as a list of known attendees for each party.

I. Issues to be Resolved**A. Proposed Discovery Deadlines**

On Wednesday, July 22, 2026, Applicants filed their proposed discovery deadlines. *See* UP-77/NS-75. As previously emphasized, Applicants agree that reasonable deadlines are necessary to move this proceeding forward. Such deadlines must account for the large number of participants and discovery requests and must preserve each party's authority to determine how to reasonably comply with its discovery obligations. Applicants shared a proposed discovery schedule and then conferred with certain non-Applicant participants on July 20, 2026. As of this time, we have not received a counter-proposal from any of the non-Applicant participants, and therefore are unable to determine which aspects of Applicants' proposal are disputed.

B. Applicants' Motion to Compel BNSF to Substantiate Privilege Claims (UP-74/NS-72)

On July 16, 2026, Applicants moved to compel BNSF to substantiate the sweeping privilege assertion it made in response to Applicants' first set of discovery requests. BNSF has relied on this one-sentence privilege assertion to refuse to search for and review potentially responsive documents. During the conferral process, BNSF offered to provide "additional substantiation" of its privilege claim only if Applicants provided the same, but given that Applicants are conducting an extremely burdensome search to locate the documents requested by

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BNSF (and other parties), and to determine whether responsive, non-privileged documents exist, there is no equivalent defect in Applicants' approach. Nonetheless, Applicants requested a further meet and confer to discuss BNSF's offer shortly before filing this motion, but BNSF did not respond to that request. Instead, BNSF filed its reply to the motion on July 21, 2026.

II. Issues Held in Abeyance

A. Applicants' Motion to Compel Non-Applicant Railroads to Make Reciprocal Productions of Data (UP-75/NS-73)

On July 16, 2026, Applicants moved to compel BNSF, CN, CPKC, and CSX to make reciprocal productions of data sets they have obtained from Applicants in discovery. Each non-applicant railroad replied to the motion on July 21, 2026, and each non-applicant railroad has now agreed to produce some, but not all, of the requested data. Given the positions taken by non-applicant railroads in their replies, Applicants are hopeful that the remaining disputes can be resolved without the Court's intervention. If necessary, Applicants will raise any issues that still remain to be resolved at the next discovery conference in August.

III. List of Attendees

A. Union Pacific

1. Laura Flahive Wu
2. Kevin Kelly
3. Michael Rosenthal

B. Norfolk Southern

1. Matthew Warren
2. Stephen Laudone
3. William Mullins
4. Spencer Naake

C. BNSF

1. Daniel Donovan
2. McClain Thompson

D. CPKC

1. Joseph J. Matelis
2. David L. Meyer

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3. Noah Stern

E. CN

1. Avia Gridi

2. Lindsay Bohl

F. CSX

1. Eric Enson

2. Luke van Houwelingen

3. Rachel Lesser

4. John Schieb

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Sincerely,

/s/ Matthew J. Warren
Matthew J. Warren
Stephen S. Laudone
William A. Mullins
Spencer M. Naake
Carrie Mahan
*Attorneys for Norfolk Southern
Corporation and Norfolk
Southern Railway Company*

/s/ Laura Flahive Wu
Laura Flahive Wu
Kevin M. Kelly
*Attorneys for Union Pacific
Corporation and Union
Pacific Railroad Company*

cc: All Parties of Record
ALJ Soulikias

CERTIFICATE OF SERVICE

I hereby certify that, on this 22nd 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