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BEIJING BOSTON BRUSSELS DUBAI FRANKFURT
JOHANNESBURG LONDON LOS ANGELES NEW YORK
PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

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Office of Chief Counsel August 5, 2026

August 5, 2026

Part of

Public Record

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:

Applicants submit the following brief description of the issues to be resolved at the August 11, 2026, discovery conference, as well as a list of known attendees for each party.

I. Issues to be Resolved

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

Since the last update regarding this motion, Applicants have made progress in resolving this dispute with some of the non-Applicant railroads, but there has been no progress with CPKC. Applicants contacted CPKC on July 31 regarding this dispute, but have not received a response. Although Applicants will continue to confer with CPKC, we request that this motion as it relates to CPKC be included in the agenda for Tuesday's conference. To the extent the dispute is resolved before Tuesday, we will promptly inform Your Honor.

II. Issues Held in Abeyance

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

As noted above, Applicants are making progress in resolving this dispute with respect to railroads other than CPKC. We ask that the remainder of this motion be held in abeyance.

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III. List of Attendees

A. Union Pacific

1. Kevin Kelly
2. Michael Rosenthal

B. Norfolk Southern

1. Carrie Mahan
2. Marc Korman
3. Stephen Laudone
4. William Mullins
5. Spencer Naake

C. BNSF

1. Daniel Donovan
2. McClain Thompson

D. CPKC

1. Joseph J. Matelis
2. David L. Meyer
3. Noah Stern

E. 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

CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of August, 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