



Harter Secrest & Emery LLP

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May 3, 2023

ENTERED
Office of Proceedings
May 3, 2023
Part of
Public Record

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Victor Insulators, Inc. v. Finger Lakes Railway Corp.
Surface Transportation Board Docket No. NOR 42176
Reply in Opposition to Joint Motion to Dismiss

Dear Ms. Brown:

On December 27, 2022, Victor Insulators, Inc. ("Victor Insulators") filed a Complaint against Finger Lakes Railway Corp. ("FGLK") in the above captioned docket. Pursuant to 49 C.F.R. § 1111.3(a), Victor Insulators filed an Amended Complaint on March 24, 2023 adding Ontario Central Railroad Corporation ("ONCT") as a party.

FGLK and ONCT filed a Joint Motion to Dismiss the Amended Complaint ("Motion to Dismiss") on April 13, 2023. In lieu of filing a full reply to the Motion to Dismiss pursuant to 49 C.F.R. § 1104.13(a), Victor Insulators respectfully refers the Board to the arguments made in Victor Insulators' March 1, 2023 Reply in Opposition to the Joint Motion to Dismiss filed by FGLK and ONCT on February 9, 2023 ("VI Reply"), except insofar as certain arguments have been resolved including Argument Section A (regarding failure to answer the complaint within the required time period), Section C(a) (regarding leave to amend the complaint to add ONCT as a party), Section D (regarding whether the shipments contain an exempt commodity), and Section G (regarding designation of estimated repair costs as Confidential or Highly Confidential).

If you have any questions regarding this filing, please contact me.

Respectfully submitted,

Harter Secrest & Emery LLP

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CERTIFICATE OF SERVICE

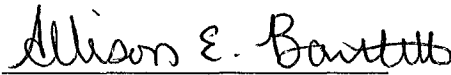
I hereby certify that I have this 3rd day of May, 2023, caused copies of the foregoing letter to be served by email as follows:

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