

ROSENBERG CALICA & BIRNEY LLP

ATTORNEYS AND COUNSELORS AT LAW

100 GARDEN CITY PLAZA, SUITE 408

GARDEN CITY, NEW YORK 11530

TELEPHONE (516) 747-7400

FACSIMILE (516) 747-7480

WWW.RCBLAW.COM

RONALD J. ROSENBERG*
ROBERT M. CALICA
WILLIAM J. BIRNEY
EDWARD M. ROSS*
LESLEY A. REARDON
KENNETH E. ANESER*
JOHN S. GIULLA

JUDAH SERFATY
PETER J. WILLIAMS*
ROBERT J. HOWARD
DIANA G. ATTNER
JOSHUA M. LIEBMAN†
GEORGE B. KORDAS
RYAN J. McMAHON*

TAMIR M. YOUNG
KENNETH J. WEINSTEIN
RICHARD A. ROSS
OF COUNSEL

*ALSO ADMITTED FL
*ALSO ADMITTED CT
*ALSO ADMITTED CT, NJ, DG
*ALSO ADMITTED MD
*ALSO ADMITTED NJ

June 24, 2014 236221
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ENTERED

Office of Proceedings

June 24, 2014

Part of

Public Record

Surface Transportation Board
395 E Street, SW
Washington DC 20423

Re: (1) U S Rail Corporation-Brookhaven Rail Terminal,
STB F.D. No. 35141

(2) Brookhaven Rail Terminal and Brookhaven Rail, LLC,
STB F.D. No. 35819

Dear Board:

We are attorneys for the Town of Brookhaven ("Town"). We have filed today in the second entitled proceeding (FD 35819) an opposition to Brookhaven Rail Terminal's request to close the record and in support of the Town's application to supplement the record ("Opposition and Supplement"). The Opposition and Supplement contains four exhibits. By this letter, we request that the Board consider those four exhibits, and the Opposition and Supplement, in connection with the first entitled proceeding as well (FD 35141). Those exhibits are:

Appendix A – A Preliminary Injunction Decision and Order against Respondents;

Appendix B - Cease and Desist Letters of Long Island Power Authority (LIPA)/PSE&G against Respondents;

Appendix C - Declaration of LIPA/PSE&G Survey Manager, Roy D. Hunt, L.S., and attachments).

Appendix D – Long Island Rail Road's cease and desist notice against Respondents.

For the same reasons set forth in the Opposition and Supplement, all of these exhibits are directly relevant to the Town's application to re-open herein.

We appreciate the Board's consideration and attention to these matters.

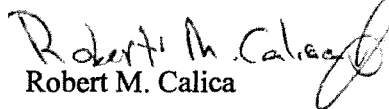
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Respectfully,

ROSENBERG CALICA & BIRNEY LLP


Robert M. Calica

cc: Service as per attached Certificate of Service

CERTIFICATE OF SERVICE

I, JUDAH SERFATY, hereby certify that on the 24th day of June, 2014, I caused to be served the within **LETTER AND TOWN OF BROOKHAVEN'S OPPOSITION TO BROOKHAVEN RAIL TERMINAL'S APPLICATION TO CLOSE THE RECORD AND IN SUPPORT OF THE TOWN'S APPLICATION TO UPDATE THE RECORD STRIKE** upon the attorneys/parties by E-mailing same to their email addresses:

TO: Vanessa L. Miller, Esq.
Foley & Lardner LLP
Attorneys for U S Rail Corporation & Brookhaven Rail Terminal (in F.D. No. 35141)
and for Brookhaven Rail Terminal and Brookhaven Rail, LLC (in F.D. No. 35819)
One Detroit Center
500 Woodward Ave, Suite 2700
Detroit, MI 48226
VMiller@foley.com

Yonaton Aronoff, Esq.
Foley & Lardner LLP
Attorneys for U S Rail Corporation & Brookhaven Rail Terminal (in F.D. No. 35141)
and for Brookhaven Rail Terminal and Brookhaven Rail, LLC (in F.D. No. 35819)
90 Park Avenue, 37th Floor
New York, NY 10016
YAronoff@foley.com

David T. Ralston, Jr., Esq.
Foley & Lardner LLP
Attorneys for Brookhaven Rail Terminal (in F.D. No. 35141)
and Brookhaven Rail, LLC (in F.D. No. 35819)
3000 K Street, N.W., 6th Floor
Washington, D.C. 20007
dralston@foley.com

Dated: June 24, 2014



JUDAH SERFATY