

**Before the  
Surface Transportation Board**

**STB DOCKET NO. AB-167 (Sub-No. 1189X)**

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**CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION –  
IN HUDSON COUNTY, NJ**

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**STB DOCKET NO. AB-55 (Sub-No. 686X)**

**CSX TRANSPORTATION, INC. – DISCONTINUANCE OF SERVICE EXEMPTION –  
IN HUDSON COUNTY, NJ**

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**STB DOCKET NO. AB-290 (Sub-No. 306X)**

**NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE OF SERVICE  
EXEMPTION – IN HUDSON COUNTY, NJ**

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**JAMES RIFFIN’S MOTION FOR STAY**

1. Comes now James Riffin, (“**Riffin**”) who herewith respectfully asks that ALJ Dring **stay** issuing / filing the Order that he orally made on October 24, 2016 in the above entitled proceeding, and in support hereof states:

2. On October 24, 2016, at the conclusion of a hearing regarding imposing sanctions upon James Riffin for allegedly failing to fully comply with ALJ Dring’s August 25, 2016 Served decision in the above entitled proceeding, ALJ Dring ordered that Riffin be **dismissed** from the above entitled proceeding, and further ordered that Riffin pay a portion of Charles Montange’s legal fees.

3. In ruling that Riffin had not fully complied with ALJ Dring's August 25, 2016 Order, ALJ Dring held that the evidence submitted by City et al. was more credible than the oral testimony from Riffin, (wherein Riffin testified that he had fully complied with the August 25, 2016 Order.)

4. Riffin has requested his e-mail provider, Yahoo, provide to Riffin **certified copies**:

A. Detailing **all** of the e-mails "remaining in Riffin's Yahoo e-mail account, on **August 25, 2016**;" involving Riffin and "The LLCs." [More particularly, since none of the "LLCs" have e-mail accounts, involving the LLCs' agents / members / former members: Daniel Horgan (counsel for the LLCs), Vickie Hyman (present managing member of the LLCs) and Steve Hyman (former member of the LLCs.);

B. Detailing **all** of the e-mails that Riffin forwarded to Charles Montange, counsel for City et al., and to Robert Jenkins (counsel for Consolidated Rail Corporation), on **August 25, 2016**;

C. Certifying that the eleven Riffin / Hyman e-mails appended to City et al.'s Motion for Sanctions, are **precisely identical** to the same eleven e-mails in the custody of the Yahoo Custodian of Records.

5. A copy of Riffin's October 25, 2016 letter to Yahoo is appended. A copy of printouts of Riffin's e-mails involving the "LLCs," will be forwarded to ALJ Dring as soon as they can be printed and copied. (By close of business October 25, 2016.)

6. In rendering sanction orders for non-compliance with Surface Transportation Board ("STB") Discovery Orders, 49 CFR 1114.31(b)(2) states that:

"the Board may make such orders in regard to the refusal as **are just**."

7. Riffin argued / certified that he forwarded to City et al. and to Consolidated Rail Corporation, **all** of the e-mails **remaining** in his e-mail account on **August 25, 2016** involving Riffin and the “LLCs.”

8. ALJ Dring found that Riffin’s argument, certification, was not ‘credible.’

9. Riffin has begun the process of providing **certified copies** from the **custodian of Riffin’s e-mail account, Yahoo**, which certified copies **will substantiate** that Riffin did in fact forward to City et al. and to Consolidated Rail Corporation **all** of the e-mails remaining in Riffin’s e-mail account on August 25, 2016 between Riffin and the “LLCs.”

10. If ALJ Dring were to stay his order until the Yahoo Custodian of Records provides the requested certified records, ALJ Dring then could, if he was so inclined, modify his Order, thereby rendering a ‘just’ order that is supported by evidence from independent third parties.

11. Not immediately issuing an order would leave open the possibility of modifying ALJ Dring’s Order. (As opposed to issuing an Order, then attempting to modify the Order after receipt of ‘new evidence.’) This approach would conserve the resources of ALJ Dring, the STB and the Courts, for if ALJ Dring were to stay issuing his order for a short period of time, and after reviewing the Yahoo certified copies, were to concluded that Riffin did in fact fully comply with the August 25, 2016 Order, then ALJ Dring could, if he was so inclined, modify his Order, and if ALJ Dring were to modify his order, that would eliminate Riffin’s need to file a Petition for Reconsideration with ALJ Dring; an appeal to the Full STB Board; and the filing of a Petition for Judicial Review.

12. WHEREFORE, Riffin would respectfully pray that ALJ Dring:

- A. Delay issuing / filing his order until Yahoo’s Custodian of Records provides the requested Riffin e-mail certified documents;

B. And for such other and further relief as would be appropriate.

Respectfully,

James Riffin  
P. O. Box 4044  
Timonium, MD 21094  
(443) 414-6210

**CERTIFICATE OF SERVICE**

I hereby certify that on or before the 25<sup>th</sup> Day of October, 2016, a copy of the foregoing James Riffin's Motion for Stay, was served on all of the parties in this proceeding, either via e-mail, or via U.S. Postal Service, postage prepaid.

James Riffin

FROM: James Riffin P.O. Box 4044 Timonium, MD 21094 (443) 414-6210  
[jimriffin@yahoo.com](mailto:jimriffin@yahoo.com)

TO: Yahoo Custodian of Records 701 First Avenue Sunnyvale, CA 94089

RE: [jimriffin@yahoo.com](mailto:jimriffin@yahoo.com)

DATE: October 25, 2016

Dear Custodian of Records:

I am both faxing this request [to (408) 349-7941], and mailing this request via USPS.

On **August 25, 2016**, I was ordered to forward to [c.montange@frontier.com](mailto:c.montange@frontier.com) (the lawyer for “City et al.”) and to [rmjenkins@mayerbrown.com](mailto:rmjenkins@mayerbrown.com) (the lawyer for “Consolidated Rail Corporation”)

“all e-mail communications between him [James Riffin] and the LLCs [[dehorgan@lawwmm.com](mailto:dehorgan@lawwmm.com); [shyman@shyman.net](mailto:shyman@shyman.net); [vickie@shyman.net](mailto:vickie@shyman.net); [embankment@shyman.net](mailto:embankment@shyman.net), ] that Mr. Riffin retains in his possession.” See p. 2 of the attached Surface Transportation Board Order.

On **August 25, 2016**, I typed the names “Hyman” and “Horgan” into Yahoo’s e-mail search engine. A large number of e-mails appeared. I clicked on each e-mail, thus opening the e-mail, then forwarded each e-mail to c.montange and to rmjenkins (and to four other e-mail recipients).

I now **must prove** that “all e-mail communication between [me] and the LLCs [horgan / hymans], that **remained** in my e-mail account” **on August 25, 2016, I in fact e-mailed to** c.montange and to rmjenkins.

### REQUEST ONE

To make the required proof, I need a **certified / verified** print-out of **all** of the e-mails **remaining** in my account on **August 25, 2016**, between me and the LLCs [Mr. Horgan, Steve Hyman and Vicki Hyman]. I have appended a copy of the Horgan / Hyman e-mails that Yahoo’s search engine listed as remaining in my e-mail account on October 24, 2016. I would ask that you **either:**

- A. Print out a list of **all** Horgan / Hyman e-mails remaining in my Yahoo e-mail account **on August 25, 2016**, then **certify** that the list so printed contains **all** of the Horgan / Hyman e-mails remaining in my Yahoo e-mail account **on August 25, 2016; OR**
- B. **Certify** that the appended list of Horgan / Hyman e-mails comprise **all** of the Horgan / Hyman e-mails remaining in my Yahoo e-mail account on August 25, 2016.  
(Whichever is more convenient for you.)

## REQUEST TWO

I need a certified list of **all** of the e-mails that I **forwarded** to [c.montange@frontier.com](mailto:c.montange@frontier.com), and that I **forwarded** to [rmjenkins@mayerbrown.com](mailto:rmjenkins@mayerbrown.com) on **August 25, 2016**.

## REQUEST THREE

I also need a **certified / verified** print-out of what 11 specific e-mails contain. I have appended a copy of the eleven e-mails. I would ask that you **either**:

- A. Print out a **certified** copy of the eleven e-mails that I have appended; **OR**
- B. **Certify** that the eleven e-mails that I have appended, are **precisely identical** to the e-mails contained in my Yahoo e-mail account.

## FEEES

I understand that Yahoo charges a fee for the time it takes Yahoo to provide the requested information. Please advise me what the fee would be, how Yahoo accepts payment (credit card?), and the amount of any deposit Yahoo wants before completing the task.

Please either telephone me at **(443) 414-6210**, or e-mail me ([jimriffin@yahoo.com](mailto:jimriffin@yahoo.com)) with the fee-information.

I need to submit the “e-mail proof” to the Surface Transportation Board (a federal agency) by **October 31, 2016**. If there is an extra fee for providing ‘expedited service,’ please tell me what the fee is, so that I can order ‘expedited’ service.

Thank you for your time and attention to this request.