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November 3, 2016

Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street SW
Washington, DC 20423
-Electronically Filed-

Docket No (s). AB 167 (Sub No. 1189X)
AB 55 (Sub No. 686X)
AB 290 (Sub No. 306X)

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ENTERED
Office of Proceedings
November 3, 2016
Part of
Public Record

**RE: STB Docket No. AB-167-1189-X
- and related cases -**

Dear Ms. Brown:

The LLC Intervenors are filing this letter due to their great concern that there may be yet further delays and unwarranted complications in this exempt abandonment, arising from proceedings subsequent to the rulings of Administrative Law Judge John P. Dring, to whom the Board has delegated the management of discovery. We hasten to add that we have no issue with the Judge's rulings, and take no exception to them.

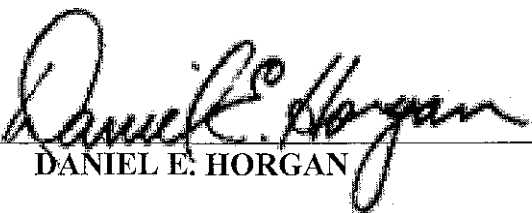
Mr. Riffin's recent papers filed on October 31, 2016 acknowledge that the deadline for any appeal is November 15, 2016 (20 days from service of the October 26, 2016 Decision) and he has requested relief from that date for reasons related to the availability of the transcripts of the two discovery hearings held by Judge Dring. Late Tuesday we provided Mr. Riffin, Mr. Strohmeier, Mr. Montange and Conrail's counsel with copies of those transcripts by e-mail. If the Board directs, we will file copies for the record, thereby obviating the need for Mr. Riffin, or any other interested party to replicate them. If any interested party or person wishes to receive a copy, we will send them an electronic copy upon receiving a request by e-mail sent to: dehorgan@lawwmm.com specifying the request for the August 24 and October 24, 2016 transcripts.

These proceedings have been ongoing for many years, and have been extended to our clients' detriment by parties seeking discovery; pursuing Offers of Financial Assistance where no rail service is needed, desirable or feasible; and, seeking to expand historic review under a "Harsimus Exception", a unique, expanded scope of historic review. Further underscoring the need for a prompt adjudication of the rulings by Judge Dring dismissing Mr. Riffin from the proceedings is an upcoming initial conference before Federal Magistrate Judge Dickson in Newark, NJ scheduled for November 17, 2016 in Docket 16-cv-4433, a suit by Mr. Riffin affecting a portion of the Harsimus

Branch to be abandoned in the present Conrail exempt abandonment.¹ Mr. Riffin has also suggested in his recent papers that the Board's exempt abandonment proceedings, be stayed. The LLC Intervenor simply urge the Board to hasten its review and final adjudication of all discovery and related issues, so that these proceedings can be finally concluded. We make the transcript of proceedings available to that end.

Very truly yours,

WATERS, McPHERSON, McNEILL, P.C.

BY: 
DANIEL E. HORGAN

Enclosure as noted in footnote

CERTIFICATION OF SERVICE

I, Daniel E. Horgan, hereby certify that I have caused a copy of the foregoing to be served by First Class Mail upon those on the attached Service List by having same deposited with the U.S. Postal Service on November 3, 2016.

S/ Daniel E. Horgan
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¹ A copy of Magistrate Judge Dickson's order for the conference is attached. Mr. Riffin has previously submitted his Complaint in that matter in filings in this exempt abandonment, presumably arguing its relevance. Whatever his arguments may be, its true relevance is its potential to frustrate a prompt and just resolution of these proceedings.

SERVICE LIST

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
JOSEPH A. DICKSON
UNITED STATES MAGISTRATE JUDGE**

**MARTIN LUTHER KING COURTHOUSE
50 WALNUT STREET
NEWARK, NJ 07101
(973) 645-2580**

Date: 10/4/16

LETTER ORDER PURSUANT TO RULE 16

**Re: Case Name: James riffin v. Forest City Ratner Companies, et al.
Civil Action No. 16-4433(ES)**

To All Parties:

An in person initial scheduling conference shall be conducted before the undersigned on **11/17/16 at 11:00 a.m.**, in Courtroom 2D, Martin Luther King Courthouse Building, 50 Walnut Street, Newark, New Jersey. See Fed. R. Civ. P. 16.1 and L.Civ.R. 16.1(a).

The parties are advised that the early disclosure requirements of Fed. R. Civ. P. 26 will be enforced. Therefore, the parties shall immediately exchange the following information without a formal discovery request. These category descriptions are merely descriptive and not intended to modify FRCP 26(a)(1)(A).

- identities of individuals likely to have knowledge of discoverable facts,
- documents and things in the possession of counsel or the party, or a description thereof.
- identities of experts and their opinions,
- insurance agreements in force, and
- statement of the basis for any damages claimed.

At the conference with the Court, all parties who are not appearing pro se must be represented by counsel who shall have full authority to bind their client in all pretrial matters. Clients or persons with authority over the matter shall be available by telephone. See L. Civ.R. 16.1(a).

Pro se plaintiff(s) shall notify any party who hereafter enters an appearance of the above conference and forward to that party a copy of this Order.

The parties must advise this Court immediately if this action has been settled or terminated so that the above conference may be cancelled.

Failure to comply with the terms herein may result in the imposition of sanctions.

SO ORDERED.

s/ Joseph A. Dickson

Joseph A. Dickson
United States Magistrate Judge

cc: Hon. Esther Salas, USDJ