

Before the Surface Transportation Board

242581
242582
242583

Conrail -- Abandonment)
) AB 167 (Sub-no. 1189X)
--in Hudson County, NJ.)

ENTERED
Office of Proceedings
February 7, 2017
Part of
Public Record

and
CSX Transp. - Discon. of)
Service - same) AB 55 (Sub-no. 686X)

and
Norfolk Southern -)
Discon. of Service - same) AB 290 (Sub-no. 306X)

Withdrawal of City of Jersey City, et al's
Motion to Compel Consolidated Rail Corporation (Conrail)
To Make Available the Files of Ryan and Fiorilla and Related
Depositions and Materials, and
To the Extent Necessary to
Reopen, Reconsider and/or Clarify
Conrail's Document Discovery Obligations

City of Jersey City, Rails to Trails Conservancy, and
Pennsylvania Railroad Harsimus Stem Embankment Preservation
Coalition ("City et al") hereby withdraw their "Motion to Compel
Consolidated Rail Corporation (Conrail) To Make Available the
Files of Ryan and Fiorilla and Related Depositions and
Materials, and To the Extent Necessary to Reopen, Reconsider
and/or Clarify Conrail's Document Discovery Obligations," which
was part of City et al's "Protective Appeal/Petition to Reopen"
filed on 2 February 2017.

Conrail, without admission of any failure to make discovery
or obligation to make more discovery, has represented to City et

al that it is not aware of any Ryan or Fiorilla documents in its possession, including documents relating to regulatory status, that Conrail was required to provide City et al but did not, and that it will voluntarily make available the deposition transcripts of Ryan and Fiorilla in Chicago Title v. Consolidated Rail Corporation, Dkt. No. HUD-L-5801-09 (5), when those become available to Conrail. City et al accept Conrail's representation. As agreed, City et al therefore withdraw as unnecessary and as moot their motion to compel and for related relief, as set forth at pp. 1-2 (item "(2)") and pp. 6-12 (Part II) of their pleading filed 2 February 2017.

The protective appeal/petition to reopen embodied at p.1 (item "(1)") and at pp. 2-6 (Part I) is not withdrawn. If the Board grants the relief sought by Mr. Riffin in his interlocutory appeal, then City et al should be allowed discovery against Riffin, 212 Marin Boulevard, et al, and possibly other parties for the reasons stated at pp. 2-6 of City et al's protective appeal/petition to reopen.

Respectfully submitted,



Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936
Fax: -3739
Counsel for City et al

Certificate of Service

The undersigned hereby certifies service by posting the foregoing in the US Mail, postage pre-paid, first class or priority mail, on or before the 7th day of February 2017 addressed to the parties or their representatives per the same service list as attached to "City of Jersey City, et al's Reply to Riffin's "Appeal of an Initial ALJ Decision" Re-filed on January 31 by Mr. Riffin. The undersigned also certifies the deposit of the foregoing for express delivery (next business day) upon Judge Dring at the Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 First Street, N.E., Washington, DC 20426 (courtesy email to Judge Dring's law clerk).

A handwritten signature in blue ink, appearing to be "Chen H. H.", is written over a horizontal line.