

**Before the
Surface Transportation Board**

ENTERED
Office of Proceedings **JR - 14**
May 19, 2016
Part of
Public Record

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

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

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

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

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

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

**JAMES RIFFIN’S REPLY TO THE
RAILS TO TRAILS’ MOTION FOR AN EXTENSION OF TIME TO REPLY TO
RIFFIN’S MOTION TO STRIKE**

1. Comes now James Riffin, who herewith files his Reply to the Rails to Trails’ Motion to extend the time within which Charles Montange, counsel for the City of Jersey City, **the Rails to Trails Conservancy**, and the Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (collectively “**City et al**”), and in reply states:

2. Riffin objects to Ms. Ferster’s statement that Riffin failed to serve a copy of his latest two pleadings on the Rails to Trails Conservancy.

3. Riffin served a copy of his Motion to Strike, JR-12, and a copy of his Reply, JR-13, on the counsel of record, for the Rails to Trails Conservancy, which counsel of record is **Charles Montange**, **NOT** Andrea Ferster.

4. And per Mr. Montange's expressly, and very publicly stated, wishes, a paper copy of Riffin's JR-12 and JR-13 pleadings was mailed, via the U.S. Postal Service, to Mr. Montange's office in Seattle, Washington.

5. Riffin's first reaction to the request for an extension of time within which Mr. Montange may be permitted to file a reply to Riffin's Motion to Strike is:

6. It strikes Riffin as a really dumb and stupid legal strategy for Mr. Montange to file a Motion to Compel, then disappear in Europe for a month, and expect, and demand, that the Surface Transportation Board ("STB") provide Mr. Montange with an 'accommodation.' If you are going to pick a fight with Riffin, then you ought to at least stick around for the fight.

7. However, fortunately for Mr. Montange, Riffin does not like to 'win' on technicalities. He prefers to 'win' on the 'merits' of a fight.

8. So, Riffin **does not oppose** the request for an extension of time within which Mr. Montange may be permitted to file his reply to Riffin's Motion to Strike (JR-12). [Riffin would suggest that the appropriate reply is for Mr. Montange to ask the STB to dismiss his Motion to Compel, since Riffin in fact served his Response on Mr. Montange **before** Mr. Montange even filed his Motion to Compel. And Riffin's Response was served precisely as Mr. Montange has publicly demanded: Via the U.S. Mails.]

9. The other parties to this proceeding may express their own positions.

10. As for Riffin's Reply, JR-13, Riffin expressly stated, in ¶ 91 of his Reply, that he likewise **would not oppose** a request by Mr. Montange, to file a reply to Riffin's Reply (JR-13).

11. **As for Ms. Ferster:** Riffin spoke with Ms. Ferster on **May 18, 2016**. Since she requested Riffin serve a copy of his pleadings on her, in addition to Mr. Montange, Riffin has served a copy of his JR-12 and JR-13 pleadings, and this JR-14 pleading, on Ms. Ferster.

Respectfully,

James Riffin
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(443) 414-6210

CERTIFICATE OF SERVICE

I hereby certify that on or before the 19th Day of May, 2016, a copy of the foregoing Reply to Rails to Trails Motion for an Extension of Time to Reply, was served on all of the parties in this proceeding, either via e-mail, or via U.S. Postal Service, postage prepaid, including Ms. Ferster, co-counsel for the Rails to Trails Conservancy.

James Riffin