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ENTERED
Office of Proceedings
May 30, 2017
Part of
Public Record

Before the
Surface Transportation Board

JR - 28

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

MOTION TO STAY

1. Comes now James Riffin, (“**Riffin**”) who herewith respectfully files this Motion to Stay the **April 28, 2017** Decision wherein the Surface Transportation Board (“**STB**”) affirmed the October 26, 2016 decision issued by ALJ Dring, and in support says:
2. Riffin is likely to prevail on the merits of his petition to reconsider / reopen.
3. Staying the decision will not prejudice any parties.
4. Riffin would suffer Irreparable harm:

- A. Jersey City has demanded that Riffin pay Jersey City's attorney's fees. Were Riffin to remit those fees to Jersey City, then prevail on his appeal, he would be barred from filing a complaint against Jersey City, for the return of those fees, since Jersey City has sovereign immunity.
- B. Riffin is presently barred from participating in the 1189X proceeding. No amount of monetary damages would compensate Riffin for barring Riffin from participating in the 1189X proceeding.

5. It is in the public (and the STB's) interest:

- A. If a stay is not granted, Riffin will be compelled to file his Petition for Review on or about **June 22, 2017** (in order for it to arrive timely). That only gives the STB three weeks or so to address Riffin's Petition to reconsider / reopen. Since all parties have 20 days within which to file a reply, it is nigh impossible for the STB to render a decision prior to June 22, 2017.
- B. Once Riffin files his Petition for Review, Riffin will argue that the STB lost its jurisdiction to further adjudicate the 1189X proceeding, until granted authority from the appellate court. And Riffin will further argue that any STB decision rendered after Riffin files his Petition for Review, must be vacated, in order to permit Riffin to fully participate in the 1189X proceeding. (Presuming Riffin prevails on his appeal.) And if all STB decisions after Riffin files his Petition for Review are vacated, then the STB will have to **re-do** everything that it did. Which would be a colossal waste of the STB's limited resources.
- C. Staying the decision, will permit Riffin to continue to participate in the 1189X proceeding, and will delay the date Riffin files his Petition for Review (if that becomes necessary). That will permit the STB to rule on Riffin's Petition for reconsideration / to reopen, and will permit the STB to continue to make decisions,

without the risk that they will be vacated.

- D. Staying the Decision, ultimately, will prevent any further delay in the 1189X proceeding, and will conserve the STB's limited resources.
- E. In the event that Riffin ultimately loses his appeal(s), any pleading filed by Riffin can be stricken / given no weight.

6. WHEREFORE, for the foregoing reasons, Riffin respectfully prays:

- A. That the STB **stay** its April 28, 2017 decision, either in whole, or in part (at least the part ordering Riffin to remit to Jersey City its legal fees);
- 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 30th Day of May, 2017, a copy of the foregoing James Riffin's Motion to 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