

WATERS, MCPHERSON, MCNEILL

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
300 LIGHTING WAY
P.O. Box 1560
SECAUCUS, NEW JERSEY 07096

DANIEL E. HORGAN
MEMBER OF N.J., N.Y. & D.C. BARS

OFFICE DIRECT DIAL: 201-330-7453
CELL and VOICE MAIL:: 201-926-4402
E-MAIL dehorgan@lawwmm.com

December 15, 2016

242266

Electronically Filed

Rachel D. Campbell, Director
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
December 15, 2016
Part of
Public Record

**RE: STB Docket No.: AB-167-1189-X
Conrail Petition for Abandonment of the
Harsimus Branch, Hudson County, NJ**

Dear Ms. Campbell,

Perhaps unwittingly, Mr. James Riffin has achieved some degree of success in his stated goal of getting the various parties in the above matter to reach agreement. Based upon formal filings in this and other concurrent matters, Conrail, Jersey City, the Harsimus Stem Embankment Preservation Coalition, Rails To Trails Conservancy, CNJ Rail, and even Eric Strohmeyer, have all come to agree with the LLCs that Mr. Riffin should be absolutely barred from these proceedings. If we have mis-understood any of their positions, they can respond to this letter, but we think that is unlikely.

The rest of what Mr. Riffin seeks, beyond our agreement, is to continue to burden these proceedings with now almost daily filings in an unseemly effort to extort the parties by threatening barrages of pleadings touching upon issues that they have not raised, and that need not be addressed here, certainly not with him. His continued participation will further burden all of us with delays in reaching resolution of important issues in these proceedings.

The ability to address Mr. Riffin's conduct lies with the Board, which should affirm Judge Dring and remove Mr. Riffin from all proceedings concerning the Harsimus Branch.¹ Mr. Riffin's continued participation in this and a related matter² is based upon

¹ We would also suggest that he be removed from the official service list for all matters except for his now pending appeal to the Board.

his cynical belief that the Board will not act with dispatch against him, and will suffer and allow his continued filings in complete disregard of Judge Dring's order and the Board's regulations. The only result of any further delay in addressing his appeal in the present matter is to reward him for his contemptuous cynicism of the Board, and his total disregard of the rights and interests of the other parties to these proceedings. Please expedite a determination of his appeal for these reasons.

Very truly yours,

WATERS, McPHERSON, McNEILL, P.C.

BY: 
DANIEL E. HORGAN

Certification

I, Daniel E. Horgan, hereby certify that on this 15th Day of December 2016 I caused copies of this letter to be electronically filed with the Surface Transportation Board, and that copies have been served upon all persons on the current service list for AB-167-1189-X either by e-mail as an agreed-upon means of service or regular US Mail. A copy has also been provided by e-mail to counsel for Forest City, et al in FD 36078 and by regular US Mail upon all other parties on the service list in that proceeding as a courtesy.

DATED: December 15, 2016


DANIEL E. HORGAN

² FD 36078. Denying his appeal in the present abandonment, and dismissing his OFA contentions, should serve to allow for dismissal of that matter also. We reserve on addressing ourselves to that now, in the hope that the Board will act swiftly here, and in a comprehensive manner.