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VIA E-FILE ONLY

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
November 1, 2019
Part of
Public Record

Re: Docket No. 42166, *Alonzo Benton v. CSX Transportation, Inc.*

Dear Ms. Brown:

Pending before the Board is a Motion to Dismiss Plaintiff's Complaint filed by defendant, CSX Transportation, Inc. In his opposition thereto, Plaintiff requested the Board to stay the matter pending the resolution of the litigation in Federal District Court.¹

Plaintiff is presently writing to the Board to renew his request for it stay the matter pending before it in light of new events. On October 25, 2019, Defendant CSX's Motion to Dismiss filed in the Federal District Court was denied in part and granted in part. At this juncture, the Federal District Court is permitting a portion of Plaintiff's claims to continue. This order is not dispositive however, as it is very early in the proceedings.

Plaintiff is requesting the Board to stay this matter until the final resolution of the Federal District Court matter to ensure a proper adjudication of Plaintiff's rights.

Sincerely,

/s/ John J. Leonard, Esquire
John J. Leonard, Esquire

JJL/lab

¹ That matter is currently pending in the Federal Court for the Eastern District of Pennsylvania at *Alonzo Benton v. CSX Transportation, Inc.* No.: 19-0109.