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204854 February 27, 2002

VIA FEDERAL EXPRESS

Office of the Secretary
Surface Transportation Board
1925 K Street, NW
Suite 713
Washington, DC 20423-0001



RE: Capitol Materials Incorporated-Petition for Declaratory Order
Docket No.: NOR 42068
Request for Extension of Discovery Period

Dear Secretary:

The undersigned represents the Petitioner in the above-styled matter along with the firm of Rachelson & White. On February 8, 2002, the Surface Transportation Board issued a Decision in this matter providing for a twenty (20) day discovery period, which is set to expire on February 28, 2002.

On February 1, 2002, Petitioner Capitol served a Request for Production of Documents on Norfolk Southern. On or about February 19, 2002, Norfolk Southern served a letter response to Capitol's discovery with some demurrage charge documents being received by counsel in Atlanta on February 20, 2002.

On February 26, 2002, Capitol submitted a Motion to Compel Discovery based on Norfolk Southern's failure to respond to the Request for Production of Documents. Based on the pending Motion to Compel, Capitol would respectfully request that the discovery period in this matter be extended for a reasonable time beyond February 28, 2002, in order to provide for a suitable resolution of this matter and to provide for a reasonable inspection time of the discoverable documents.

I am enclosing eleven copies of this correspondence and would appreciate your office file-stamping the additional copy and returning same to me in the enclosed stamped, self-addressed envelope. Thank you for your assistance with this matter.

Sincerely,

Bruce E. Mitchell, Esq.

Enclosures

cc: Ira Rachelson, Esq.
Richard A. Allen, Esq.
George A. Aspatore, Esq.