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February 26, 2002

VIA FEDERAL EXPRESS

Filing Desk
Surface Transportation Board
1925 K Street, NW
Suite 713
Washington, DC 20423-0001

ENTERED
Office of the Secretary
MAR 01 2002
Part of
Public Record



RE: Capitol Materials Incorporated-Petition for Declaratory Order
Docket No.: NOR 42068

Dear Sir or Madam:

Enclosed please find an original and eleven copies of the following pleadings for filing in the above referenced matter:

- (1) Petitioner's Motion to Compel Discovery; and
- (2) Memorandum in Support of Petitioner's Motion to Compel Discovery.

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

Sincerely,

Bruce Mitchell

Bruce E. Mitchell, Esq.

BEM/crg
Enclosure

cc: Richard A. Allen, Esq.
George A. Asptore, Esq.
Ira L. Rachelson, Esq.

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ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

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Public Record

Docket No. 42068

PETITIONER'S MOTION TO COMPEL
DISCOVERY



COMES NOW, Capitol Materials Incorporated, Petitioner in the above-styled matter, and files this Motion to Compel Discovery. For the reasons set forth in the attached Memorandum in Support of Motion, Petitioner respectfully requests that the Board enter an Order GRANTING Petitioner's Motion, awarding reasonable attorney's fees to Capitol, and extending the discovery period in this action for a reasonable period of time.

This 26th day of February, 2002.

Respectfully submitted,

RACHELSON & WHITE

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Counsel for Petitioner

CERTIFICATE OF SERVICE

This is to certify that I have on this day served copies of the foregoing
PETITIONER'S MOTION TO COMPEL DISCOVERY upon the following individuals
by mailing copies of same via first class U.S. Mail in properly addressed envelopes with
sufficient postage addressed to:

Richard A. Allen, Esq.
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George A. Aspatore Esq.
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510-2191

This 26th day of February, 2002.

Bruce E. Mitchell (by JAS of
Bruce E. Mitchell, Esq. *appears petitioner*)
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