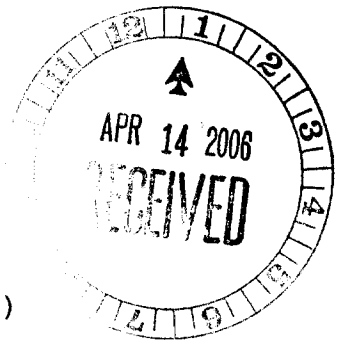


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Before the
SURFACE TRANSPORTATION BOARD



Finance Docket No. 32760 (Sub-No. 42)

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY,
AND MISSOURI PACIFIC RAILROAD COMPANY
-CONTROL AND MERGER-SOUTHERN PACIFIC RAIL CORPORATION,
SOUTHERN PACIFIC TRANSPORTATION COMPANY,
ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP. AND
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

(Arbitration Review)

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Office of the

MOTION TO STRIKE

GORDON P. MacDOUGALL
1025 Connecticut Ave., N.W.
Washington DC 20036

Attorney for John E. Grother

Dated: April 14, 2006

Before the
SURFACE TRANSPORTATION BOARD



Finance Docket No. 32760 (Sub-No. 42)

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY,
AND MISSOURI PACIFIC RAILROAD COMPANY
-CONTROL AND MERGER-SOUTHERN PACIFIC RAIL CORPORATION,
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THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

(Arbitration Review)

MOTION TO STRIKE

John E. Grother (Grother or petitioner), moves the Board to strike portions of the Reply to Petition for Reconsideration (Reply), filed April 6, 2006, by Union Pacific Railroad Company (UP), in the captioned proceeding.^{1/}

UP's Reply contends the arbitration decision undergoing review was issued by a single arbitrator, without mention of the three-member arbitration committee, convened under the so-called New York Dock employee conditions.^{2/} This "arbitrator" decision reference appears at nine places in the 5-page UP Reply, with six references to the "arbitrator" by specific name:

^{1/} UP has captioned the proceeding differently, and incorrectly.

^{2/} New York Dock Ry.-Control-Brooklyn Eastern Dist., 360 I.C.C. 60, 80-81 (1960).

Page 1: Para. 1, lines 2, 5; para. 2, line 3.

Page 2: Para. 1, lines 4, 6-7.

Page 3: Para. 3, line 2.

Page 4: Para. 2, lines 2, 4; para. 3, line 1.

The Board should strike the above references, and substitute in lieu thereof "arbitration committee," or its possessive "arbitration committee's," as may be appropriate.

Petitioner, in his Petition for Reconsideration, filed March 20, 2006 (as corrected March 27), challenged the Board's February 28, 2006 decision, as incorrectly terming the arbitral decision issued January 6, 2005, to have been issued by a single arbitrator. (Pet. for Reconsid., 3/20/06, 3-6). In actual fact, the arbitral decision was issued by a three-member arbitration committee. (Ibid. 4-5).

UP, in its Reply, now deliberately reinforces the hoax of a single-member arbitral decision. Petitioner in its initial request for Board review, pointed out that the January 6, 2005 arbitral decision, contained 12 findings-sentences attributed to the "Neutral Referee," 23 findings-sentences attributed to the "Majority," and 3 findings-sentences attributed to the "Committee." (Supp. to Pet. for Rev., 2/23/05, 13).

Petitioner dissented to the arbitration committee decision, but UP's representative signed on without reservation, thus rendering the decision complete. Although UP has now changed its personnel handling this dispute, UP cannot walk away from its action, in claiming the arbitration decision was by a single-member arbitrator, rather than by an arbitration committee.

The Board should strike the objectionable language, and take corrective action.

Respectfully submitted,



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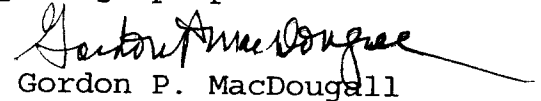
April 14, 2006

Attorney for John E. Grother

Certificate of Service

I hereby certify I have served a copy of the foregoing upon all parties of record by first class mail postage-prepaid.

Washington DC



Gordon P. MacDougall