

Law Offices
Mark A. Cuthbertson

220690

November 14, 2007

Of Counsel
Thomas L. Costa
Michelle M. Pfeifferberger

The Honorable Vernon A. Williams
Secretary Surface Transportation Board
1925 K Street NW, Suite 715
Washington, DC 20423-0001

Re. Suffolk and Southern Railroad LLC
Lease and Operation Exemption
Sills Road Realty, LLC
STB Finance Docket No 35036

Dear Mr. Williams.

I represent the Town of Brookhaven, New York ("Town") in the above-referenced matter. As you may know the Petitioners in the above-referenced matter are seeking a Temporary Restraining Order from the United States Court of Appeals for the Second Circuit enjoining the enforcement of the STB's October 12, 2007 decision in the above-referenced matter. The Town is an interested party in that appeal and will be seeking to intervene in the proceedings before the Second Circuit. I have been attending to a motion to intervene in the appeal proceeding before the Second Circuit and also engaged with an action in the United States District Court for the Eastern District of New York for the purposes of enjoining the Town from taking certain actions with no respect to the property and operation involved herein. These two matters have consumed a great deal of time over the course of the past two weeks.

As a consequence, I am requesting a short adjournment for the time for the Town to reply to the petition for reconsideration of the STB's October 12, 2007 decision. A reply to this petition to be submitted is November 14, 2007. I am respectfully requesting a short adjournment of two weeks to November 26, 2007 for the Town to submit its reply to the petition for reconsideration. Thank you for your consideration to this request.

The attorney for Sills Road Realty, LLC and U.S. Rail Corporation has consented to this adjournment.

Very truly yours,

Mark A. Cuthbertson
Mark A. Cuthbertson

MAC:ss

cc: John D. Heffner, Esq.
Robert F. Quinlan, Esq.

CERTIFICATION OF SERVICE

I, Mark A. Cuthbertson, certify that a copy of this document, as submitted to the Board via electronic filing, was sent via email to John D. Heffner and James Savge, (counsel for U.S. Rail Corporation and Sills Road Realty, LLC) and Ronald A. Lane (counsel for New York and Atlantic Railway Company, Inc.).

LAW OFFICES OF MARK A. CUTHBERTSON

By: Mark A. Cuthbertson *[Signature]*

Mark A. Cuthbertson
Of Counsel to Robert Quinlan, Esq.
Town Attorney
Town of Brookhaven
Attorney for Respondents
434 New York Avenue
Huntington, New York 11743
631-351-3501