

EXPEDITED ACTION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

240618

ENTERED
Office of Proceedings
May 6, 2016
Part of
Public Record

STB Docket FD 35981

PETITION FOR DECLARATORY ORDER – FINCH PAPER LLC

JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE

Finch Paper, LLC (“Finch”) and the Delaware and Hudson Railway Company d/b/a Canadian Pacific (“CP”), hereby file this joint motion asking the Surface Transportation Board to issue an order modifying the procedural schedule established in this case on February 11, 2016 by extending all dates as indicated herein. In support hereof Finch and CP state as follows:

1. The current procedural schedule calls for discovery to be completed by May 26, 2016. Discovery is underway, but both parties have determined this deadline will not allow adequate time to resolve issues regarding certain discovery requests and for document production. Moreover, each party has indicated that they may wish to seek deposition testimony after document production is completed. As such, the parties are requesting a 60-day extension of the discovery period in this proceeding, to July 25, 2016.

2. The parties request that all subsequent deadlines also be extended by approximately 60 days to accommodate the additional time needed for discovery. As summarized in the table below, under this revised schedule Finch’s Opening Statement would be

due on August 24, 2016; CP's Reply would be due on September 23, 2016; and Finch's Rebuttal would be due on October 13, 2016.

3. Expedited action is requested in light of the current schedule deadlines.

Modified Procedural Schedule - 60 Day Extension		
Filing	Current	60 days
End of Discovery	May 26, 2016	July 25, 2016
Finch's Opening Statement	June 27, 2016	August 24, 2016
CP's Reply	July 25, 2016	September 23, 2016
Finch's Rebuttal	August 15, 2016	October 13, 2016

Respectfully submitted

DELAWARE and HUDSON RAILWAY
COMPANY d/b/a Canadian Pacific

FINCH PAPER LLC

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Dated: May 6, 2016

CERTIFICATE OF SERVICE

I do hereby certify that on this 6th day of May 2016, I have served a copy of the foregoing Joint Motion to Modify Procedural Schedule by first class mail to:

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/s/ Thomas W. Wilcox
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