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**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

**ENTERED
Office of Proceedings**

NOV 03 2011

STB DOCKET NO. AB-1053 (Sub-No. 2X)

**Part of
Public Record**

**MICHIGAN AIR-LINE RAILWAY CO.
-ABANDONMENT EXEMPTION-
LINE-IN OAKLAND COUNTY, MICHIGAN**

REQUEST FOR STAY OF DECISION RELEASED OCTOBER 19, 2011

Troy R. Taylor
Law Office of Troy R. Taylor, PLLC
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Counsel for American Plastic Toys, Inc.

Dated: November 3, 2011

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-1053 (Sub-No. 2X)

**MICHIGAN AIR-LINE RAILWAY CO.
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REQUEST FOR STAY OF DECISION RELEASED OCTOBER 19, 2011

American Plastic Toys, Inc. ("APT") requests the Boards Stay of its Decision in this matter released on October 19, 2011 (the "Decision") pursuant to which it ordered that MAL Railway ("MAL") to be exempt from the approval requirements of 49 U.S.C. § 10903, under the authority of 49 U.S.C. § 10502.

APT requests a thirty (30) day Stay of the Decision for the following reasons which are based upon the verified statement of Jim Grau, the Treasurer of APT (attached as Exhibit 1). Prior to the Boards Decision on October 19, 2011, APT ordered delivery of rail cars containing plastic pellets. As originally scheduled, these rail cars were to be delivered on November 4, 2011 and November 18, 2011. APT has redirected the car scheduled for delivery on November 18, 2011; however, the cars due to be delivered on November 4, 2011 cannot be re-directed. After delivery of these rail cars, APT will need

to pump the contents of the rail cars into its storage silos on its property. The rail cars cannot be removed until these cars are pumped. Based on APT's pumping capacity, APT does not believe it can accomplish the receipt of the rail cars, pumping of the contents into the silos and return of the rail cars prior to the effective date of the Exemption, which is November 18, 2011.

Additionally APT has nine (9) other cars currently on site. The cars cannot be pumped until they are relocated by MAL to the APT plant's pumping station. To date MAL's representative, Alan Brown, has not agreed to schedule equipment and crew necessary to relocate these cars to the pumping station.

Third, MAL has demanded payment of fees for an entire month of services, despite the fact MAL refuses to provide any services past November 18, 2011. See Exhibit 2 attached.

For these reasons, APT requests this Board enter its Stay of the Decision for the period of thirty (30) days to allow APT reasonable time to complete delivery, pumping and return of these rail cars.

Respectfully submitted,

November 3, 2011

/S/ Troy R. Taylor
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EXHIBIT 1

**VERIFIED STATEMENT OF JIM
GRAU**

STB DOCKET NO. AB-1053 (Sub-No. 2X)

**MICHIGAN AIR-LINE RAILWAY CO.
PETITION FOR EXEMPTION –
IN OAKLAND COUNTY, MICHIGAN**

VERIFIED STATEMENT OF JIM GRAU

My name is Jim Grau, Treasurer of American Plastic Toys, Inc., ("APT"). My business address is 799 Ladd Road, Walled Lake, Michigan 48390.

Prior to the release of the Board's Decision, APT ordered delivery of rail cars containing plastic pellets. As originally scheduled, these rail cars were to be delivered on November 4, 2011 and November 18, 2011. APT has redirected the car scheduled for delivery on November 18, 2011; however, the cars due to be delivered on November 4, 2011 cannot be re-directed. After delivery these rail cars, APT will need to pump the contents of the rail cars into its storage silos on its property. The rail cars cannot be removed until these cars are pumped. Based on APT's pumping capacity, APT does not believe it can accomplish the receipt of the rail cars, pumping of the contents into the silos and return of the rail cars prior to the effective date of the exemption, which is November 18, 2011.

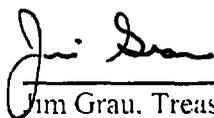
Additionally APT has 9 other cars currently on site. The cars cannot be pumped until they are relocated by MAL to the APT plant's pumping station. To date MAL's representative, Alan Brown, has not agreed to schedule equipment and crew necessary to relocate these cars to the pumping station.

Third, MAL has demanded payment of fees for an entire month of services, despite the fact MAL refuses to provide any services past November 18, 2011.

VERIFICATION

I, Jim Grau, verify under penalty of perjury under the laws of the United State that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on November 3, 2011



Jim Grau, Treasurer
American Plastic Toys, Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

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-ABANDONMENT EXEMPTION-
LINE IN OAKLAND COUNTY, MICHIGAN**

REQUEST FOR STAY OF DECISION RELEASED OCTOBER 19, 2011

EXHIBIT 2

**NOVEMBER 3 INVOICE FROM MAL,
WITH RELATED CORRESPONDENCE**

Michigan Air-Line Railway Co.

INVOICE

7160 S. 29th Street
Suite 3
Lincoln, NE 68516
Phone/Fax (402)420-0505

INVOICE #1005
DATE: NOVEMBER 3, 2011

TO:
American Plastic Toys Inc.
P.O. Box 100
799 Ladd Road
Walled Lake, MI 48390-0100

FOR:
November 2011

DESCRIPTION	AMOUNT
All associated railroad charges, including demurrage, local switching, railcar storage charges, transloading facility access, return to interchange, and all other miscellaneous rail services for the month of November 2011 thru November 18 th .	\$7,250.00
TOTAL	\$7,250.00

Make all checks payable to Michigan Air-Line Railway Co.
Total due upon receipt prior to services rendered. Overdue accounts subject to a service charge of 1% per month.

Thank you for your business!

November 1, 2011

American Plastic Toys, Inc.
Attn: John W. Gessert, President
799 Ladd Road
PO Box 100
Walled Lake, MI 48390-0100

Re: Rail Services

Dear Mr. Gessert:

This letter will serve as notice that, based upon the recent decision issued by the Surface Transportation Board, the Michigan Air-Line Railway Co. will be ceasing all rail service effective November 19, 2011.

The Michigan Air-Line Railway Co. has contracted with A&K Railroad Materials to remove all track materials from the railroad right-of-way beginning on November 19, 2011. Please make appropriate arrangements to have all railcar equipment off the line by this date. Any railcar equipment remaining on private sidings will be in jeopardy of being stranded due to the removal of the track materials.

The Michigan Air-Line Railway Co. is aware that there are railcars currently at your location. Rail service will continue as previously provided through November 18, 2011. Based upon the pending Surface Transportation Board decision no invoice was issued for the month of November. Therefore, enclosed you will find the invoice for rail service for the month on November 2011. Rail service for American Plastic Toys will be provided only after payment is made.

If you should have any additional questions or concerns please feel free to contact the office of the Michigan Air-Line Railway Co. at (402) 420-0505. For rail services please continue to contact B. Allen Brown at (248) 960-9440.

Respectfully,

Marty Ramsey
Michigan Air-Line Railway Co.

Cc: B. Allen Brown

From: Marty Ramsey [mailto:mramsey@browneturnout.com]
Sent: Tuesday, November 01, 2011 5:42 PM
To: John Gessert
Cc: 'B. Allen Brown'; browneturnout@jagwireless.net
Subject: Michigan Air-Line Railway Co.

Dear Mr. Gessert:

Attached you will find a copy of a letter that has been sent to you by hard copy I am forwarding this letter to you by email so you have a chance to read thru the information and make arrangements accordingly

Robert Butler has instructed that services be provided after payment for November 2011 has been made.

If you would prefer to wire the funds for November services attached are the wiring instructions.

Please feel free to forward the attached invoice and wiring instructions to Linda Tinker as she has contacted our office.

Respectfully,

Marty Ramsey
Michigan Air-Line Railway Co

Bank name: Cornerstone Bank N.A.
Address 526 Grant Avenue
P O Box 69
York, NE 68467
(800) 642-6608
Routing 104900349
Account#: 514653
Acct Name: Michigan Air-Line Railway Co.

11/3/2011

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, the **REQUEST FOR STAY OF DECISION RELEASED OCTOBER 19, 2011** in STB Docket No. AB-1053 (Sub-No. 2X), *Michigan Air-Line Railway Co. – Abandonment Exemption – Line in Oakland County, Michigan* was mailed via first-class mail, postage prepaid and sent via e-mail, on November 3, 2011 to the following party:

Michigan Air-Line Railway Co.

W. Robert Alderson
ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & Crow, L.L.C.
2101 S.W. 21st Street
Topcka, Kansas 66604
e-mail: boba@aldersonlaw.com
Attorney for Michigan Air-Line Railway Co.

November 3, 2011

/S/ Troy R. Taylor
Troy R. Taylor (P40776)
Law Office of Troy R. Taylor, PLLC
107 E. Main Street
Suite 204
Northville, Michigan 48167
Attorney for American Plastic Toys, Inc.