

45408
ALJ

SERVICE DATE – LATE RELEASE AUGUST 25, 2016

SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE CONFIRMING ORDER TO
REQUIRE JAMES RIFFIN TO RESPOND TO CERTAIN DISCOVERY REQUESTS

Docket No. AB 167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN
HUDSON COUNTY, NJ

Docket No. AB 55 (Sub-No. 686X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—IN
HUDSON COUNTY, NJ

Docket No. AB 290 (Sub-No. 306X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN HUDSON COUNTY, NJ

Decided: August 24, 2016

On July 5, 2016, the City of Jersey City, Rails to Trails Conservancy, and Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (collectively, City, et al.) filed a Second Motion to Compel James Riffin to Respond to Discovery (Document) Requests (Second Motion to Compel). The Second Motion to Compel requested an order directing Mr. James Riffin to respond fully and completely to certain document requests.

On July 25, 2016, the LLC Intervenors (LLCs)¹ filed a reply opposing the Second Motion to Compel. On July 28, 2016, Mr. Riffin filed a reply opposing the Second Motion to Compel. By order, decided August 8, 2016, oral arguments on the Second Motion to Compel were scheduled for Wednesday, August 24, 2016.

During the August 24, 2016 oral arguments, City, et al. and James Riffin entered an agreement into the record that would dispose of the Second Motion to Compel. The Presiding Administrative Law Judge ordered compliance with the agreement, and the record reflects that order. No participant objected to memorializing the agreement. This order confirms the Presiding Administrative Law Judge's order during oral arguments, and a summary of the agreement is set forth below.

¹ The LLCs consist of 212 Marin Boulevard, LLC; 247 Manila Avenue, LLC; 280 Erie Street, LLC; 317 Jersey Avenue, LLC; 354 Cole Street, LLC; 389 Monmouth Street, LLC; 415 Brunswick Street, LLC; and 446 Newark Avenue, LLC.

It is ordered:

1. Mr. Riffin will provide City, et al. and Consolidated Rail Corporation with all e-mail communications between him and the LLCs that Mr. Riffin retains in his possession. Mr. Riffin will also supply City, et al. the docket numbers for three (3) bankruptcy proceedings involving Mr. Riffin. Mr. Riffin shall comply with this order by close of business on Friday, August 26, 2016.

2. This decision is effective on its service date.

By the Board, John P. Dring, Administrative Law Judge.