

BEFORE THE
SURFACE TRANSPORTATION BOARD



DECISION ID NO.: 42128
DECIDED DATE: 12/29/11
SERVICE DATE: 12/30/11
APPROVED: Rachel Campbell
Director

Office of
Proceedings



STB Docket No. AB 400 (Sub-No. 5)

PALMER RANCH HOLDINGS, LTD.; PALMER RANCH HOLDINGS, INC.; WYNNSTAY HUNT, INC.; AND CHESHIRE HUNT, INC. — ADVERSE ABANDONMENT— SEMINOLE GULF RAILWAY, L.P., IN SARASOTA COUNTY, FLA.

PETITIONERS' REQUEST FOR TWO-WEEK EXTENSION TO FILE THEIR REPLY TO CSX TRANSPORTATION INC.'S MOTION FOR PROTECTIVE ORDER

Pursuant to 49 C.F.R. § 1104.7(b), Palmer Ranch Holdings, Ltd.; Palmer Ranch Holdings, Inc.; Wynnstay Hunt, Inc.; and Cheshire Hunt, Inc. (collectively "Petitioners") hereby request that their deadline to file a Reply to CSX Transportation Inc.'s ("CSXT") Motion for a Protective Order (filed December 14, 2011) be extended two weeks from January 3, 2012 to January 17, 2012. Petitioners request this extension so that the parties can continue to pursue a possible agreement on a revised set of discovery that would avoid the need for the Board to rule on CSXT's Motion. CSXT informed Petitioners that it agrees to a two week extension of time for Petitioners to file the Reply to the Motion.

On November 22, 2011 Petitioners served a Request for Discovery on CSXT relating to the Subject Line at issue in this proceeding. On December 14, 2011, CSXT filed a Motion for Protective Order under 49 C.F.R. § 1114.21(c) seeking that the Request for Discovery be quashed.

As a general rule, the parties are expected to try to resolve a discovery dispute before involving the Board. CF Industries, Inc. v. Kanab Pipe Line Partners, L.P., STB Docket No. 42084 (Nov. 23, 2004). In an effort to comply with this rule, Petitioners asked CSXT on December 21, 2011 whether it would agree to respond to a revised and more narrow set of

discovery requests. On December 23, 2011, CSXT informed Petitioners that it was willing to discuss responding to revised discovery, but that it would want to review the proposed revised discovery before committing to respond to it.

On December 27, 2011, Petitioners provided CSXT with a draft revised set of discovery, limited to seven requests for admissions directed to CSXT's involvement with the Subject Line. The revised set also noted that Petitioners reserved their right to seek relevant documents in CSXT's possession. On December 28, 2011, CSXT informed Petitioners that it was reviewing the revised discovery requests, but that a number of its employees were out of the office that week and the following week due to the holidays. CSXT stated that it understood that Petitioners' deadline to file a Reply to the Motion was approaching, and that it would thus agree to a two-week extension.

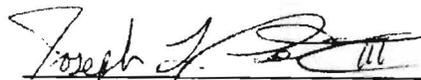
While extension requests must normally be sought at least ten days before the deadline under 49 C.F.R. § 1104.7(b), Petitioners continue to pursue an arrangement with CSXT, and only yesterday became aware that more time was needed for CSXT to review the revised discovery due to employee absences surrounding the holidays.

Petitioners thus request a two-week extension to January 17, 2012 to file their Reply to CSXT's Motion so that the parties can continue to pursue a possible agreement on revised discovery that might obviate the need for the Board's involvement in resolving this discovery dispute.

Dated: December 29, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing **PETITIONERS' REQUEST FOR TWO-WEEK EXTENSION TO FILE THEIR REPLY TO CSX TRANSPORTATION INC.'S MOTION FOR PROTECTIVE ORDER** on the following persons and by the following methods:

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