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**LAW OFFICE OF R. E. HOWARD**  
RONALD E. HOWARD, JD, MBA

26357 W. HWY. 160, SUITE B  
SOUTH FORK, COLORADO 81154

TEL: (719) 873-5901

RON@REHOWARDLAW.COM

The Honorable Cynthia T. Brown  
Chief - Section of Administration  
Surface Transportation Board  
395 E Street SW, Room 100  
Washington, D C 20024



GRANTED

Office of  
Proceedings

DECISION ID NO.: 42451  
DECIDED DATE: 6/6/12  
SERVICE DATE: 6/6/12  
APPROVED: Rachel Campbell

Director

ENTERED  
Office of Proceedings

June 1, 2012

Re: STB Finance Docket No. # 35496

Denver and Rio Grande Railway Historical Foundation  
d/b/a Denver and Rio Grande Railway, LLC

Part of  
Public Record

Petition for a Declaratory Order

Status Report and Request to Amend Procedural Schedule

Dear Ms. Brown:

I again send this correspondence and request on behalf of my client, Mr. Donald H. Shank, the President and Executive Director of the Denver and Rio Grande Railway Historical Foundation (DRGRHF). The Foundation is currently engaged litigating in the above captioned proceeding.

On May 4, 2012, I, on behalf of my client, Mr. Donald Shank, President of the Denver and Rio Grande Railroad Historical Foundation, requested an extension of time to provide the City of Monte Vista, CO and the San Luis and Rio Grande Railroad Company with the discovery they requested in the above captioned proceeding. On May 10, 2012, the Board granted the requested relief.

As previously indicated in our request of May 4, 2012, Mr. Shank had emergency surgery on May 4, 2012. As such, he was unable to provide the responses to the discovery request which the DRGRHF had previously been ordered to provide. In the request the parties indicated we would advise the Board, by way of a status report and a motion, the outcome of the surgery, and when this proceeding should be restored to the Board's active docket. Pursuant to the STB's order, please accept this letter as a status report and a request to amend the procedural schedule in this proceeding.

Mr. Shank's operation appears to have been successful, and the outlook for his recovery is promising. Provided there are no further complications from the surgery, and provided Mr. Shank continues to follow his Doctor's instructions, his prognosis should likely remain good. As such, it is now appropriate to place this proceeding back onto the Board's active docket.

I have consulted with Mr. Heffner he indicates that both opposition parties have indicated they would like the following procedural schedule. The DRGRHF reluctantly will agree with their request. The dates are as follows:

The DRGRHF's responses to the First Set of Discovery Requests will be provided to the City of Monte Vista and the San Luis and Rio Grande Railroad by June 6, 2012

Reply of the City of Monte Vista and the San Luis and Rio Grande Railroad will be due on July 11, 2012

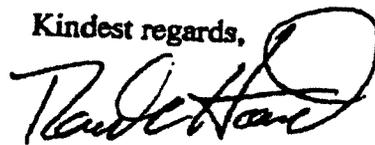
Rebuttal Response of the Denver and Rio Grande Railroad Historical Foundation will be due on August 13, 2012.

The Parties jointly request that the Board issue a new Procedural Schedule in the above captioned proceeding and restore this matter back to the Board's active docket for further consideration.

I have spoken with both Mr. Heffner and Mr. Farish and they concur with this request.

If you have any questions or concerns regarding this correspondence, please do not hesitate to contact me.

Kindest regards,



Ronald E. Howard, JD, MBA  
Attorney at Law

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 35496**

**DENVER AND RIO GRANDE RAILWAY HISTORICAL FOUNDATION  
D/B/A DENVER AND RIO GRANDE RAILWAY, LLC**

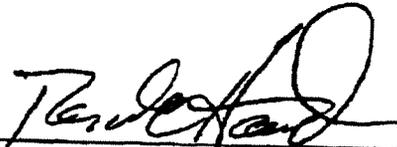
**PETITION FOR A DECLARATORY ORDER**

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**CERTIFICATE OF SERVICE**

I hereby certify that I mailed a copy of the " Status Report and Request to Amend Procedural Schedule " on behalf of Donald H. Shank and the Denver and Rio Grande Railway Historical Foundation d/b/a Denver and Rio Grande Railway, LLC, dated June 1, 2012, in the above captioned proceeding by first class United States Mail and/or electronic transmission to all parties on the Board's service list on June 1, 2012:

Eugene L. Farish, Esq.  
PO Box 430  
Monte Vista, CO 81144  
City of Monte Vista

John D. Heffner, Esq.  
Strasburger & Price, LLP  
1700 K Street, NW, Suite 640  
Washington, DC 20006-3817  
San Luis & Rio Grande Railway

  
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Ronald E. Howard, CO #34424  
Law Office of R. E. Howard  
26357 W. Hwy. 160, Ste. B  
South Fork, CO 81154  
(719) 873-5901