

SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE SCHEDULING ORAL
ARGUMENTS ON SECOND MOTION TO COMPEL JAMES RIFFIN TO RESPOND TO
DISCOVERY (DOCUMENT) 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 5, 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 requests an order directing 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, James Riffin filed a reply opposing the Second Motion to Compel.

The Board has signed a Memorandum of Understanding with the Federal Energy Regulatory Commission (FERC) to employ the services of FERC administrative law judges (ALJs) on a case-by-case basis to perform discrete, Board-assigned functions such as adjudicating discovery disputes between parties in cases pending before the Board.

By a decision served on July 5, 2016, the Board assigned and authorized Administrative Law Judge John P. Dring of the FERC to entertain and rule upon discovery matters and to resolve all disputes concerning discovery in these proceedings.

¹The 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.

Notwithstanding the scheduling of the discovery conference ordered below, the parties are strongly encouraged to make intensive, good faith efforts to resolve outstanding discovery disputes without the need for judicial intervention, both prior to the conference and thereafter. Any questions pertaining to this discovery proceeding should be direct to Judge Dring's law clerk, Michael Kellermann, who may be contacted at (202) 502-8341 or michael.kellermann@ferc.gov.

It is ordered:

1. An oral argument on City, et al.'s Second Motion to Compel is scheduled for Wednesday, August 24, 2016, beginning at 10:00 a.m. in a hearing room to be designated at the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. This oral argument will be held on the record. All parties to this dispute are directed to attend.

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