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SEC

SERVICE DATE – FEBRUARY 14, 2008

SURFACE TRANSPORTATION BOARD

NOTICE

STB Finance Docket No. 35057

TOWN OF BABYLON AND PINELAWN CEMETERY –
PETITION FOR DECLARATORY ORDER

The following court action was instituted, on or about February 7, 2008, in the United States Court of Appeals for the District of Columbia Circuit, seeking judicial review of the Board's decision in the above-titled proceeding:

No. 08-1048

New York and Atlantic Railway Company and
Coastal Distribution L.L.C.

v.

Surface Transportation Board and United States of America

Anne K. Quinlan
Acting Secretary