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SERVICE DATE – MARCH 24, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35873

NORFOLK SOUTHERN RAILWAY COMPANY—ACQUISITION AND OPERATION—  
CERTAIN RAIL LINES OF THE DELAWARE AND HUDSON RAILWAY COMPANY, INC.

Docket No. AB 156 (Sub-No. 27X)

DELAWARE AND HUDSON RAILWAY COMPANY, INC.—DISCONTINUANCE OF  
TRACKAGE RIGHTS EXEMPTION—IN BROOME COUNTY, N.Y.; MIDDLESEX, ESSEX,  
UNION, SOMERSET, HUNTERDON, AND WARREN COUNTIES, N.J.; CUMBERLAND,  
CHESTER, LUZERNE, PERRY, YORK, LANCASTER, NORTHAMPTON, LEHIGH, CARBON,  
BERKS, MONTGOMERY, NORTHUMBERLAND, DAUPHIN, LEBANON, AND  
PHILADELPHIA COUNTES, PA.; CECIL, HARFORD, BALTIMORE, ANNE ARUNDEL, AND  
PRINCE GEORGE’S COUNTIES, AND BALTIMORE CITY, MD.; THE DISTRICT OF  
COLUMBIA; AND ARLINGTON COUNTY, AND THE CITY OF ALEXANDRIA, VA.

Digest:<sup>1</sup> The Board strikes as irrelevant and immaterial four pleadings filed by  
James Riffin. The Board also directs James Riffin to refrain from making  
inappropriate filings before the Board in the future.

Decided: March 22, 2016

On December 21, 2015, James Riffin moved to supplement the records in the above-  
captioned proceedings by submitting what he describes as “new evidence” that amounts to  
“substantially changed circumstances [that] warrant” reopening these matters. (James Riffin’s  
Motion to Supplement the Record in FD 35873 [and in AB 156 (Sub-No. 27X)], at 1, Dec. 21,  
2015; James Riffin’s Supplemental Comments in FD 35873 [and in AB 156 (Sub-No. 27X)], at  
1-3, Dec. 21, 2015.) His pleadings claim that Norfolk Southern Railway Company (NSR) and  
Delaware and Hudson Railway Company (D&H) (through its parent, the Canadian Pacific  
Railway Company (CP)) made false or misleading statements and abused the Board’s processes  
by initiating these proceedings “in furtherance of the undisclosed goal of CP’s hedge-fund  
owners, to acquire [NSR.]” (Riffin Motion 2; Riffin Supplemental Comments 1-3.) At the

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<sup>1</sup> The digest constitutes no part of the decision of the Board but has been prepared for the  
convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement  
on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

conclusion of each of his motions, Riffin includes a link to a 45-second video entitled “[w]hen you marry an Italian.” (Riffin Motion Paragraph 55.) The link directs viewers to a video that depicts a woman being murdered by her husband in a car-bombing.

Riffin’s pleadings will be stricken. Under 49 C.F.R. § 1104.8, the Board may strike any filing that is “irrelevant, [or] immaterial . . . .” Riffin’s pleadings contain unsupported opinion and speculation about the actions of D&H, CP, and NSR regarding a potential merger. Such unsupported speculation is neither relevant nor material to either of the dockets in which they were filed.

The video link in Paragraph 55 of Riffin’s Motions is not only irrelevant to the proceedings, but is also wholly inconsistent with the professional standards we expect persons filing with the Board (including pro se filers) to meet in every interaction with each other, the Board, and our staff. We direct Riffin to refrain from any future submission of unprofessional material to the Board, its staff, or practitioners. Further unprofessional conduct will not be tolerated. Should Riffin repeat such conduct, he should expect summary redaction of his filings (pending Board action to strike those filings), further professional censure, and additional Board action. Riffin is a frequent litigant before the Board and the courts and has a history of inappropriate filings.<sup>2</sup>

As Riffin’s pleadings have been stricken, we will not address the claims he made in those pleadings.

It is ordered:

1. James Riffin’s Motion to Supplement the Record in FD 35873 and Motion to Supplement the Record in AB 156 (Sub-No. 27X) are hereby stricken.

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<sup>2</sup> See, e.g., Riffin v. Baltimore Cty., No. ELH-12-897, 2012 U.S. Dist. LEXIS 98213 at \*15 (D. Md. July 16, 2012) (sanctioning Riffin with dismissal of his bankruptcy appeal because of Riffin’s “utter disregard for the Court’s procedures”); Baltimore Cty. v. Riffin, No. 1:07-cv-02361-RDB, 2007 U.S. Dist. LEXIS 99000 (D. Md. Oct. 4, 2007) (finding Riffin to be a vexatious and abusive litigant and enjoining him from filing further *pro se* civil actions without leave of court); Transcript of Ruling on Motion by Chapter 7 Trustee for the Bankruptcy Estate of James Riffin to Dismiss Bankruptcy Case, In re: WMS LLC, No. 11-13085 (Bankr. D. Md.) (ECF Doc 58), filed Mar. 25, 2011 at 18-19 (finding Riffin’s filing to be “the least supportable filing of a case that I have ever seen”); Norfolk S. Ry.—Aban. Exemption—in Norfolk & Virginia Beach, Va., AB 290 (Sub No. 293X) (STB served Nov. 6, 2007), appeal dismissed sub nom. Riffin v. STB, 331 Fed. Appx. 751 (D.C. Cir. 2009) (concluding, based on strong evidence that Riffin had filed in bad faith, that “we will closely scrutinize any future filings by Mr. Riffin . . . and we strongly admonish Mr. Riffin that abuse of the Board’s processes will not be tolerated”).

2. James Riffin's Supplemental Comments in FD 35873 and Supplemental Comments in AB 156 (Sub-No. 27X) are hereby stricken.

3. This decision is effective on its date of service.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.