

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

ENTERED
Office of Proceedings
May 4, 2012
Part of
Public RecordThe 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.: <u>42394</u>
	DECIDED DATE: <u>5/10/12</u>
	SERVICE DATE: <u>5/11/12</u>
	APPROVED: <u>Rachel D Campbell</u>
	<input checked="" type="checkbox"/> DRGRHF shall file Director a status report and revised procedural schedule by May 31, 2012.

Re: STB Finance Docket No.# 35496

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

Petition for a Declaratory Order

Request for Enlargement of Time in Which to Respond to Respondents' Joint
Discovery Request

Dear Ms. Brown:

I 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 April 30, 2012, the US Surface Transportation Board, through the Office of the Director of Proceedings, issued a decision granting the Respondents' Joint Motion to Compel Discovery. In that decision, the DRGRHF was directed to provide responses to the requested discovery on or before May 7, 2012.

Unfortunately, Mr. Shank was scheduled for an emergency spinal fusion surgery this morning, May 4, 2012. His prognosis is unknown at this time and will likely remain uncertain for another week and a half to two weeks, at a minimum. Thus, he is, and for some time will remain, unable to provide the requested discovery to the Respondents.

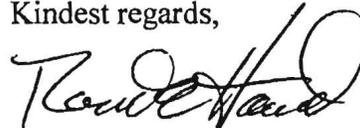
On Mr. Shank's behalf, I am requesting a two week extension of time in which to determine Mr. Shank's recovery schedule and confer with Mr. Heffner regarding a

reasonable date for Mr. Shank to provide the requested discovery. Thereafter, a mutually agreeable date for the production of the requested discovery would be determined and the Board would be so advised by way of a request for leave of the Board to allow such extension.

Mr. Shank's medical condition and the foregoing request for enlargement of time have been discussed with Mr. Heffner, counsel for the Respondents, and he does not oppose this request.

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

Kindest regards,

A handwritten signature in black ink, appearing to read "Ronald E. Howard". The signature is fluid and cursive, with a large loop at the end of the last name.

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

CERTIFICATE OF SERVICE

I hereby certify that I mailed a copy of the "Request for Enlargement of Time in Which to Respond to Respondents' Joint Discovery Request Letter" 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 May 4, 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 May 4, 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

Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, DC 20016


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