

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34337

MICHAEL H. MEYER, TRUSTEE IN BANKRUPTCY FOR CALIFORNIA WESTERN
RAILROAD, INC.

v.

NORTH COAST RAILROAD AUTHORITY, d/b/a NORTHWESTERN PACIFIC RAILROAD

Decided: November 23, 2005

In a decision served on July 27, 2005, the Board denied a complaint for damages filed by Michael H. Meyer, the trustee in bankruptcy for California Western Railroad, Inc. (Trustee), against North Coast Railroad Authority (NCRA), d/b/a Northwestern Pacific Railroad. In a decision served on November 18, 2005, the Board reopened this proceeding pursuant to its authority at 49 U.S.C. 722(c) and set a procedural schedule for further filings. Pursuant to that schedule, the Trustee's opening statement is due on December 8, 2005, NCRA's reply is due on December 19, 2005, and the Trustee's rebuttal is due on December 23, 2005.

On November 21, 2005, counsel for the Trustee filed a request to extend the procedural schedule. He states that the Board's procedural schedule places an "intolerable burden" upon him and that it would be impossible for him to fully and fairly present his client's case in chief in only 20 days. Counsel therefore requests that the procedural schedule be revised so that the Trustee's opening statement would be due on January 2, 2006, NCRA's reply on February 2, 2006, and the Trustee's rebuttal on February 17, 2006. On November 22, 2005, Counsel filed a supplemental letter stating that the Trustee desires to serve a few interrogatories and document production requests, making the revised procedural schedule necessary.

On November 22, 2005, NCRA submitted a letter opposing the request to extend the procedural schedule. NCRA states that the Trustee has had plenty of time to gather information in preparation for litigation, and that prolonging this proceeding may compromise NCRA's continuing effort to restore the line to service.

The procedural schedule will be extended to permit filings based on the following schedule: The Trustee's opening statement, containing all arguments and evidence in support of his position, will be due on January 2, 2006; all of NCRA's evidence and arguments in reply will be due on January 12, 2006; and the Trustee's rebuttal will be due on January 17, 2006.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The following procedural schedule for the filing of statements is established:

January 2, 2006	—	Trustee's opening statement due.
January 12, 2006	—	NCRA's reply due.
January 17, 2006	—	Trustee's rebuttal due.

2. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceeding.

Vernon A. Williams
Secretary