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SEC

SERVICE DATE – OCTOBER 31, 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 October 20, 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. 08-1335

New York and Atlantic Railway Company, Coastal Distribution, LLC

v.

Surface Transportation Board and United States of America

Anne K. Quinlan
Acting Secretary