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Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

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FRANK SHERMAN, FSCS CORPORATION, TMS WEST COAST, INC., EVERGREEN TRAILS, INC. AND CABAMA COACHES, LLC-ACQUISITION AND CONSOLIDATION OF ASSETS-AMERICA CHARTERS, LTD, AMERICAN COACH LINES OF JACKSONVILLE, INC., AMERICAN COACH LINES OF MIAMI, INC., AMERICAN COACH LINES OF ORLANDO, INC., CUSA, ASL, LLC, CUSA BCCAE, LLC CUSA, CC, LLC, CUSA |FL, LLC, CUSA GCBS, LLC, CUSA, GCT, CUSAK-TCS, LLC, AND MIDNIGHT SUN TOURS, ICNC.

Surface Transportation Board,

I am writing this letter in response to:

Re: MC-F 21047, Frank Sherman, FSCS Corporation, TMS West Coast, Inc., Evergreen Trails, Inc. and Cabana Coaches, LLC—Acquisition and Consolidation of Assets—America Charters Ltd., et. al (232812)

Counsel makes the following argument in support of the application for control:

***each carrier involved in the transaction, including carriers that are parties to the transaction and carriers affiliated with any party to the transaction, holds a satisfactory safety rating issued by the U.S. Department of Transportation.***

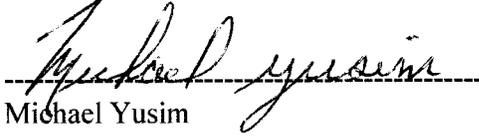
Midnight Sun Tours holds a satisfactory safety rating from the U.S. Department of Transportation because Midnight Sun Tours requires its drivers to change their original logs; Midnight Sun Tours shreds the original logs; and Midnight Sun Tours then presents the changed logs as the original logs.

Counsel neglects to mention that there are currently two cases before the Secretary of Labor in which it is alleged that Midnight Sun Tours discriminated against drivers who accurately reported their hours on duty, in violation of 49 USC 31105. It is being alleged in these two discrimination cases that drivers at Midnight Sun Tours are required to lie on their logs in order to keep their jobs.

The sale of Midnight Sun Tours under the protection of the bankruptcy court will preclude the Secretary of Labor from hearing and deciding these two discrimination cases in regard to accurately reporting hours on duty.

Please do not allow Midnight Sun Tours to be sold until the Secretary of Labor has been given the opportunity to hear and decide these two discrimination cases in regard to accurately reporting hours on duty, in accordance with 49 USC 31105.

Sincerely,

  
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Michael Yusim

cc:

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