

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. NOR 42138

HORRY COUNTY, SOUTH CAROLINA,
MARION COUNTY, SOUTH CAROLINA,
COLUMBUS COUNTY, NORTH CAROLINA,
CITY OF CONWAY, SOUTH CAROLINA,
TOWN OF FAIR BLUFF, NORTH CAROLINA,
TOWN OF CHANDBOURN, NORTH
CAROLINA, TOWN OF TABOR CITY, NORTH
CAROLINA, CITY OF WHITEVILLE, NORTH
CAROLINA, CITY OF LORIS, SOUTH
CAROLINA, CITY OF MYRTLE BEACH,
SOUTH CAROLINA,

AND

METGLASS, INC. NEW SOUTH COMPANIES,
INC.

Complainants,

v.

THE BALTIMORE AND ANNAPOLIS
RAILROAD COMPANY, d.b.a. CAROLINA
SOUTHERN RAILROAD COMPANY

Defendant.

**MOTION FOR PROCEDURAL
SCHEDULE**

235064

ENTERED

Office of Proceedings

November 12, 2013

Part of

Public Record

Attorneys for Defendant

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Date: November 12, 2013

MOTION FOR PROCEDURAL SCHEDULE

Pursuant to Rule 49 C.F.R. §1111.10(a) Defendant The Baltimore and Annapolis Railroad Company, d.b.a. Carolina Southern Railroad Company (“CALA”) hereby proposes and submits to The Surface Transportation Board (“Board”) the following procedural schedule to govern future activities and deadlines in this matter. As required by the rules, Defendant conferred by telephone with counsel for the Complainants prior to filing this report; however, the parties were unable to reach an agreement as to the proposed deadlines. As such, Complainants and Defendant are hereby filing separate reports.

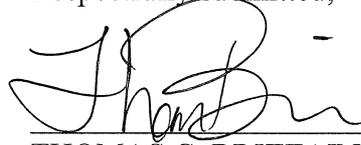
Proposed Procedural Schedule

1. All parties shall submit discovery requests within 30 days from the date of approval of the procedural schedule by the Board in this matter;
2. Discovery responses shall be due from all parties 45 days after receipt of the discovery requests;
3. Complainants’ Opening Statement shall be filed 90 days after receipt of Defendant’s discovery responses;
4. Defendant’s Statement shall be filed 90 days after the filing of Complainant’s Opening Statement; and
5. Complainant’s Rebuttal Statement shall be filed 30 days after the filing of Defendant’s Statement.

**In light of recent circumstances, CALA is exploring restoring rail service through a combination of repairs to portions of the track and the sale of another portion. These efforts will take more time than is allowable through the procedural schedule proposed by the Claimants in this matter.

For the foregoing reasons, CALA respectfully requests that the Board adopt the procedural schedule set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Brittain", written over a horizontal line.

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Attorneys for Defendant

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SOUTH CAROLINA,

CERTIFICATE OF SERVICE

AND

METGLASS, INC. NEW SOUTH COMPANIES,
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Defendant.

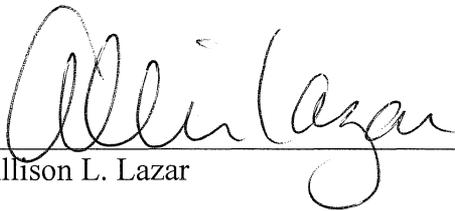
I, Allison L. Lazar, hereby certify that I am an employee of The Brittain Law Firm, P.A., attorney for Defendant The Baltimore and Annapolis Railroad Company d.b.a. Carolina Southern Railroad Company and that I caused to be mailed by electronic mail and by U.S. first class mail this day, November 12, 2013, the documents listed below in the above entitled action to the parties set out below:

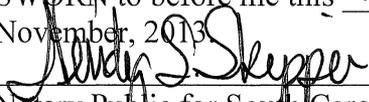
DOCUMENTS: Defendant's Motion for Procedural Schedule

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Allison L. Lazar

SWORN to before me this 2nd day of
November, 2013

Notary Public for South Carolina
My Commission Expires: 03/14/2016