

March 13, 2013

Writer's Direct Contact

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FILED ELECTRONICALLY

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

233927
ENTERED
Office of Proceedings
March 14, 2013
Part of
Public Record

Re: Docket NOR 42137, North America Freight Car Association v. BNSF Ry., et al.

Dear Ms. Brown:

On February 27, 2013, Complainant North America Freight Car Association ("NAFCA") filed a Motion for Protective Order in the above-referenced matter. Contrary to the impression perhaps conveyed by NAFCA's Motion, NAFCA's proposed protective order does not reflect agreement between NAFCA and Defendants on several issues. Defendants are in communication with NAFCA's counsel in an effort to resolve the issues on which there is not agreement. If those issues can be resolved, Defendants will inform the Board promptly. If the parties are unable to agree upon a protective order, Defendants intend to submit a reply to NAFCA's motion addressing any remaining issues no later than March 19, 2013.

Sincerely,



David L. Meyer

Counsel for Defendant Association of American Railroads

cc: All counsel of record
Louis P. Warchot, Esq.
Daniel Saphire, Esq.

CERTIFICATE OF SERVICE

I, Llewellyn O. Davis, hereby certify that on this 13th day of March, 2013, I served by electronic mail and first class mail, postage prepaid, a copy of this letter on counsel for Complainant:

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and by electronic mail on counsel for each of the Defendants.


Llewellyn O. Davis