

LAW OFFICES
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July 2, 2013

VIA ELECTRONIC FILING

234502

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D. C. 20423

ENTERED
Office of Proceedings
July 3, 2013
Part of
Public Record

re: FD 35749, Boston and Maine Corporation and Springfield Terminal
Railway Company v. Town of Winchester, Massachusetts, etc.

Dear Ms. Brown:

Please be advised that the Town of Winchester, Massachusetts, and the James A. Johnson, III, Chairman of the Town of Winchester Board of Selectmen, pursuant to 49 C.F.R. § 1104.13(a), on or before July 22, 2013, by their counsel, Mark Bobrowski, Esq., and myself, will be filing their Reply to the Emergency Petition for Declaratory Order filed by Boston and Maine Corporation and Springfield Terminal Railway Company, filed July 1, 2013.

Contrary to the Petitioners' assertion, there is no emergency requiring the Board's immediate action, for the no petition for a temporary restraining order or preliminary injunction as yet has been filed with the Middlesex Superior Court, and Petitioners remain free to serve the Tighe Logistic Group in Winchester as they have been doing.

A copy of this letter is being served by e-mail upon counsel for Petitioners, Gordon A. Coffee, Esq., at gcoffee@winston.com.

If you have any question concerning the foregoing or if I otherwise can be of assistance, please let me know

Sincerely yours,


Fritz R. Kahn

cc: Gordon A. Coffee, Esq.