

Before the Surface Transportation Board

ENTERED
Office of Proceedings
May 17, 2016
Part of
Public Record

STB DOCKET NO. AB-167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION –
IN HUDSON COUNTY, NJ

STB DOCKET NO. AB-55 (Sub-No. 686X)
CSX TRANSPORTATION, INC. – DISCONTINUANCE OF SERVICE EXEMPTION –
IN HUDSON COUNTY, NJ

STB DOCKET NO. AB-290 (Sub-No. 306X)
NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE OF SERVICE
EXEMPTION – IN HUDSON COUNTY, NJ

Motion For An Enlargement of Time to Respond to
Motion to Strike filed by James Riffin

On May 3, 2016, James Riffin (“Riffin”) filed a motion to strike the motion filed by City of Jersey City, Rails to Trails Conservancy, and Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (City *et al.*) on May 2, 2016, for an order directing Riffin to respond fully and completely to document requests tendered on behalf of City *et al.* According to the certificate of service, the motion was served “on all of the parties in this proceeding, either via e-mail, or via U.S. Postal Service, postage prepaid” on May 4, 2016, contrary to the rule requiring service “simultaneous service on all parties to the proceeding.” 49 CFR § 1104.12(a). Rails to Trails Conservancy, a party to these proceedings, was not served with this motion.

The Rails to Trails Conservancy (“RTC”) hereby moves, pursuant to 49 C.F.R. § 1104.7(b) for an extension of time up to and including June 3, 2016, to respond to Riffin’s motion to strike. RTC’s lead counsel, Charles Montange, has been out of the country since May 3, 2016, and will not return until May 27, 2016, without access to mail, and was unaware until recently of Riffin’s filing.

On information and belief, Riffin was aware of Mr. Montange's travel plans, which were disclosed in the City et al.'s motion to compel that Riffin now seeks to strike. *See* Motion to Compel, at 3 ("Counsel for City et al will be out of the country from May 3 to 27"). Despite being aware of Mr. Montange's planned travel, Riffin failed to serve the undersigned as general counsel for RTC, who has entered an appearance in these proceedings, with a copy of this filing.

Accordingly, good cause exists for granting an extension of time, up to and including June 3, 2016, to allow the City et al. to file a response to Riffin's motion.

Respectfully submitted,



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Certificate of Service

The undersigned hereby certifies service by posting the foregoing in the US Mail, postage pre-paid, first class or priority mail, on or before the 16th day of May 2016 addressed to the parties or their representatives per the service list below, unless otherwise indicated.

Service List

[AB 167 (Sub-no. 1189X)]

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For 212 Marin et al [by deposit in express service, next day delivery, on Oct. 22, 2014]

And the following self-represented individuals or entities:

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