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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-1075x**

**MANUFACTURERS RAILWAY COMPANY  
-DISCONTINUANCE EXEMPTION -  
IN ST. LOUIS, MO**

**ENTERED  
Office of Proceedings  
AUG 8 - 2011  
Part of  
Public Record**

**UNITED TRANSPORTATION UNION'S  
OPPOSITION TO MOTION TO STRIKE**

Manufacturers Railway Company ("MRS") has moved to strike the replies of the Brotherhood of Maintenance of Way Employees Division ("BMWED"), International Association of Machinists and Aerospace Workers ("IAM") and United Transportation Union ("UTU") to its motion to stay proceedings pending appeal as being beyond the five-day period for reply in 49 C.F.R. § 1152.25(e)(7)(iii), and UTU submits the following in opposition.

As BMWED pointed out in its Alternative Motion for Leave to File Instantly, what MRS filed was not actually a petition to stay the effectiveness of an abandonment or discontinuance authorization. Rather, MRS is really seeking a stay of the labor protective conditions the Board placed on the authorization. Thus, the five-day reply period does not apply on its face. UTU requested relief from the five-day period in the event it was deemed applicable despite the true character of the MRS petition.

In any event, UTU's reply was merely intended to provide the Board with guidance with respect to the well-known standards applicable to a request for the extraordinary relief of a stay pending appeal, standards which MRS acknowledged in its petition. MRS cannot rightfully claim it is in any way prejudiced by the UTU filing since it merely discusses the standards acknowledged by all to be applicable to the relief requested by MRS.

**CONCLUSION**

For the foregoing reasons, the MRS motion to strike should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was served upon the following parties of record in this proceeding by email and first-class mail this 8<sup>th</sup> day of August 2011.

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