

230136

June 17, 2011

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

ENTERED
Office of Proceedings
JUN 17 2011
Part of
Public Record

RE: STB Finance Docket No. 35498, Adrian & Blissfield Rail Road Company-
Continuance-in-Control-Charlotte Southern Railroad Company, Detroit
Connecting Railroad Company, and Lapeer Industrial Railroad Company

Dear Ms. Brown:

I, Dale R. Pape, as a shareholder of the Adrian & Blissfield Rail Road Company (ADBF) and recently misrepresented as a Petitioner by current ADBF management, want to thank the Surface Transportation Board (Board) for taking my comments into consideration in the Board's rejection of FD 35253. However, I feel compelled, once again, to notify the Board of what I feel are numerous false and misleading statements made by ADBF's president, Mr. Mark Dobronski, in his April 18th, 2011 Verified Statement to the Board. I find it inconceivable that after having his earlier petition rejected for providing false and misleading information, he continues to do so in his latest filing.

Mr. Dobronski characterizes me as a "dissident shareholder". While I am a shareholder, I am not dissident as the ADBF characterizes me. I do, however, completely disagree with the tactics and manners by which Mr. Dobronski has continued to disrespect the STB Board. As a shareholder of ADBF I'm seriously concerned about the lack of credibility Mr. Dobronski has created for himself and the ADBF with the Board through his continued presentation of false and misleading information.

One of his most blatant examples of providing further false and misleading information to the Board may be found within his verified statement, where Mr. Dobronski boasts "...since my being appointed President of ADBF, ADBF has won the prestigious American Short Line and Regional Railroad Association ("ASLRRA") Jake Award for Safety each year from 2003 through 2010, inclusive." ADBF may have won a Jake Award for 2009, however, ADBF was very clearly not entitled to the award.

Ms. Cynthia Brown

June 17, 2011

Page 2

As the attached FRA Casualty Record dated February 24, 2009 (Exhibit A) indicates, an ADBF section laborer was injured while cutting vegetation when the trunk of a tree fell on him. The employee was severely injured, spent several weeks in the hospital, has not returned to work and may never fully recover from his injuries. Subsequently, the employee filed a FELA lawsuit against ADBF (Exhibit B).

The American Short Line and Regional Railroad Association (ASLRRRA) administers the Jake Awards. The award protocol calls for a shortline to have a injury frequency/severity index less than that of the railroad industry to earn a Jake Award. The railroad index for 2009 was 2.08 (Exhibit C). Within the FRA Ten Year Accident/Incident Overview for ADBF (Exhibit D), the ADBF is reported to have had a rate of 7.0 or 240% above the threshold in 2009. If the ASLRRRA protocol is applied and this injury is considered severe, which I believe it most certainly was, then the ADBF injury rate would be 173.7 or 8,251% above the threshold. Therefore, the evidence would indicate ADBF was not entitled to receive a Jake Award in 2009.

In my opinion, the reason ADBF falsely received the Jake Award in 2009 was because ADBF once again failed to file a legally required report in a timely fashion, just as it has failed to do with the Board. However, this time it was the Accident/Injury report to the Federal Railroad Administration (FRA). I believe ADBF may have not filed the proper report until 2010, approximately a year late! Therefore, when ASLRRRA used the FRA data in early 2010 to determine ADBF's eligibility for a Jake Award, it was based on the false representation that ADBF was injury free in 2009.

Considering Mr. Dobronski was deposed in the injured employee's lawsuit against ADBF, I would find it inconceivable that the injury just slipped Mr. Dobronski's mind. I believe Mr. Dobronski knew full well ADBF was not entitled to the 2009 Jake Award when ADBF received it as well as when he signed his verified statement.

Mr. Dobronski describes himself as a being a very busy person and allowing the required filing to take a lower priority and sit. Mr. Dobronski says "During the ensuing months [of 2010], I became heavily involved in negotiations with NS in what became the Jackson & Lansing (JAIL) rail line as well as dealing with numerous threats of litigation raised by

Ms. Cynthia Brown

June 17, 2011

Page 3

Mr. Pape and the day-to-day task of running a small company." In yet another instance of providing false and misleading information to the Board, Mr. Dobronski characterizes letters I was writing to the ADBF Board of Directors merely criticizing the management of the ADBF, as "threats of litigation". What Mr. Dobronski fails to mention as using up his time in 2010 and not merely making "threats of litigation", is his failed attempt to execute what has been characterized as a "hostile takeover" of a small non-profit historical railroad, for what was suspected by many to be less than good intentions (Exhibits E, F & G). Mr. Dobronski filed an ultimately losing suit against the non-profit group. He also filed defamation suits against three volunteers of the non-profit group. At least one of the cases was tossed out, ruled "frivolous" and Mr. Dobronski was ultimately ordered to pay the defendant's legal costs (Exhibit H).

Before I address the other false and misleading information Mr. Dobronski has presented in his verified statement, I feel the Board should be made aware of a bit of Mr. Dobronski's past that should further help the Board made a determination regarding the credibility of Mr. Dobronski and the statements and ridiculous allegations he has made against me. I've attached a copy of an article from the Phoenix Business Journal (Exhibit I). The article says:

"The Commission on Judicial Conduct, an independent state agency, has recommended to the Arizona Supreme Court that Scottsdale Justice of the Peace Mark Dobronski be permanently removed from the bench for misconduct."

Based on this article, it appears Mr. Dobronski could not even uphold his oath of office. This goes to Mr. Dobronski's overall credibility and, therefore, out of respect for the Board's time, I will briefly respond to the other false and misleading statements I believe Mr. Dobronski made in his verified statement.

Ms. Cynthia Brown

June 17, 2011

Page 4

1. Dobronski Statement: "Toward that end [Corporate restructuring], a majority of ADBF's shareholders took preliminary corporate action at the February 15, 2010 meeting to authorize these activities."

Fact: I don't recall any such action at the February 15, 2010 meeting. Such action was not commenced until the February 24, 2011 meeting.

2. Dobronski Statement: "Unfortunately, dissident shareholder Dale R. Pape vociferously voted against the proposal, and then commenced making repetitive threats of lawsuits against ADBF and its directors."

Fact: I don't recall any such action at the February 15, 2010 meeting, therefore I couldn't had voted against it. Also, as Mr. Dobronski has made clear, he doesn't believe I have any control over the actions of ADBF, therefore by his own admission I couldn't have prevented any corporate action. As I previously explained, the "threats of lawsuits" were merely letters criticizing the management of ADBF.

3. Dobronski Statement: "[Dale Pape] remains a minority shareholder and uses his position to try to interfere with the company's operations."

Fact: I am a minority shareholder, however I am not interfering with company operations. I am merely defending myself when ADBF has misrepresented me and I'm criticizing actions of ADBF when I believe they are adversely affecting me as a shareholder.

Ms. Cynthia Brown

June 17, 2011

Page 5

4. Dobronski Statement: "...as well as the obstructionist behavior which Mr. Pape engaged in when ADBF attempted to update its license,..."

Fact: I am not being obstructive when I merely expect the management of ADBF to manage the affairs of the company properly and I not assisting them in taking shortcuts to make up for their lack of proper management.

5. Dobronski Statement: "...where ADBF states 'Petitioners do not believe that rail labor's position has any merit.' Mr. Pape fails to explain how ADBF's *opinion* statement is false and misleading."

Fact: The fact that Mr. Dobronski does not recognize what is false and misleading about this statement, further demonstrates his absolute misrepresentations to the Board. He makes a misrepresentation within his very own statement. He misrepresented me as a "Petitioner" in his filing and then makes the completely false and misleading statement that I, as a petitioner, do not agree with rail labor's position. This statement was not presented as the opinion of "ADBF", it was presented as the opinion of the "Petitioners". When in fact I completely agree with rail labor's position that ADBF does not have employees properly trained and qualified to operate the Jackson & Lansing rail line safely.

This was so clearly demonstrated in the December 27, 2010 incident in which the crew of the Jackson and Lansing Railroad Company (ADBF subsidiary) passed the North Lansing absolute signal that was red (indicating stop) on the CSX Plymouth (Michigan) Subdivision in front of a westbound CSX train. Had it not been for a very attentive CSX dispatcher with the foresight to warn the westbound CSX train that the next signal they were to encounter was possibly going to be an unexpected stop indication, the incident could have caused the westbound CSX train to derail just blocks from the Michigan State Capital Building when the engineer would have almost certainly put the train into emergency. Although ADBF has indicated the Board should not consider safety issues in its decisions, I believe its the obligation of the Board in general to consider the safety ramifications of its decisions when the hazards of operating a railroad are involved.

Ms. Cynthia Brown

June 17, 2011

Page 6

6. Dobronski Statement: "Mr. Pape is being less than candid with the STB. Attached is an article which appeared in the local Adrian newspaper the next day which reported that the 71-car train took about **15 minutes** to clear crossings."

Fact: I believe it is Mr. Dobronski, who I have very clearly shown as being beyond "less than candid". The very article Mr. Dobronski references does in fact report the "15 minutes", however it does so as a quote of Mr. Dobronski himself. I personally observed the 71-car train blocking 2 crossings in Adrian for more than 45 minutes while ADBF conducted a brake test before departing Adrian. Mr. Dobronski also fails to mention that when the 71-car train was being interchanged back to the Norfolk Southern as a loaded train the following day, it blocked 5 crossings almost 2 hours while having a brake test performed and being inspected.

7. Dobronski Statement: "In point of fact, while Dale Pape was still in the employ of ADBF, he was responsible for the planning of the 75-car unit grain trains being brought to ADBF."

Fact: This statement is completely false. As General Manager of ADBF, I maintained the absolute position that the track structure and configuration within the City of Adrian did not allow for the safe and effective interchange of grain trains larger than 50 cars.

8. Dobronski Statement: "On one of these occasions, Mr. Pape was observed stalking ADBF employees, videotaping the train, and shining a bright spotlight in the eyes of the train crew."

Fact: I have never "stalked" ADBF employees and it is ridiculous for Mr. Dobronski to claim I did so. On two occasions, I did observe and videotape ADBF operations from public streets. I never shined a spotlight at the train or its crew. My video camera does not even have a spotlight on it. What I did observe on one occasion, were ADBF crews on duty for more than 12 hours.

Ms. Cynthia Brown

June 17, 2011

Page 7

In conclusion, I request that the Board reject the instant Petition and compel Petitioner to establish its competence to operate the rail lines in question under its current management and structure. I believe I have raised considerable doubt as to whether Petitioner can, without significant improvements, manage the rail lines sought to operate in a safe manner, and in full compliance to state and federal law. I believe the fact that the Petitioner ignored a directive from the STB for so long is a demonstration of its incompetent management and its disregard for the law.

I appreciate the Board's consideration of my comments.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D. Pape", written in a cursive style.

Dale R. Pape

Shareholder

Adrian & Blissfield Rail Road Company

EXHIBIT A

FROM FORM FRA F 6180.55A

CASUALTY RECORD			
RAILROAD:	Adrian & Blissfield RR (ADBF)	INCIDENT NUMBER:	ADBF9001
DATE:	02 /24 /2009	TIME:	3:00PM
STATE:	Michigan	COUNTY:	LENAWEE
TYPE PERSON:	Worker on duty - employee	AGE:	46
EMPLOYEE JOB:	Section laborers		
INJURY:	Concussion		
DAYS ABSENT:	43	DAYS RESTRICTED:	43

EMPLOYEES TESTED FOR ALCOHOL USE:	NONE REPORTED
NUMBER OF POSITIVE TESTS:	
EMPLOYEES TESTED FOR DRUG USE:	NONE REPORTED
NUMBER OF POSITIVE TESTS:	
EMPLOYEE TERMINATION/PERMANENT TRANSFER:	UNK/NA
EXPOSURE TO HAZARDOUS MATERIAL:	NO
FRA FORM 6180-54 FILED:	NO
FRA FORM 6180-57 FILED:	NO

CIRCUMSTANCES	
PHYSICAL ACT:	Cutting vegetation
EVENT:	Struck by falling object
RESULT:	Cutting tools
CAUSE:	Human factor
LOCATION	
SITE:	Main/branch
ON TRK EQP:	Did not involve ontrack/other equipment
WHERE:	Alongside of on-track equipment on ground
NARRATIVE:	EMPLOYEE WAS CUTTING A SMALL-MEDIUM SIZED DEAR ELM TREE. THE TREE WAS DOUBLE-TRUNKED. AS EMPLOYEE WAS CUTTING THE ONE TRUNK THE OTHER TRUNK BROKE OFF (APPROX. 15 TALL) AND HIT EMPLOYEE ON THE BACK OF HIS HARD HAT, BOUNCED OFF AND STRUCK EMPLOYEE ON H

EXHIBIT B

Case 2:09-cv-13770-SFC-VMM Document 1 Filed 09/23/09 Page 1 of 4

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY L. GLISSON,

Case No. 09-cv-13770

Plaintiff,

vs.

ADRIAN & BLISSFIELD RAILROAD
COMPANY,

Defendant.

COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, OBRYAN BAUN

COHEN KUEBLER, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.
2. Jurisdiction is founded under the Federal Employers' Liability Act, 45 USC §51, *et seq.*, based on violation of the Safe Place to Work doctrine, and therefore jurisdiction attaches under 28 USC §1331. In addition, the amount in controversy exceeds seventy-five thousand dollars, exclusive of interest and costs.
3. Plaintiff, Randy L. Glisson resides in Adrian, Michigan.
4. Defendant Adrian & Blissfield Railroad Company, is a railroad corporation organized under the laws of Michigan doing business in the State of Michigan. Defendant may be served by due process by serving its registered agent for service, The Company Corporation, 38235 N. Executive

Dr., Westland, MI 48185.

5. At all times material to issues herein, Defendant Adrian & Blissfield Railroad Company was a common carrier by railroad engaged in interstate commerce, and Plaintiff was employed by the Defendant to further such activities.

6. On or about February 24, 2009, Randy L. Glisson, was injured while in the course of his employment with Defendant due to the negligence of the Defendant. In said instance, Defendant was negligent, but not limited to negligence in the following particulars:

1. Failure to provide proper equipment;
2. Failure to provide professional tree topping service;
3. Failure to provide a safe place to work; and
4. Failure to supervise.

7. As part of its FELA duties, a railroad is obligated to know the nature and character of equipment, material, and work practices used in its workplace and to warn employees of job-related dangers known or reasonably foreseeable to the railroad, and to avoid exposing employees to hazardous conditions in the workplace.

8. Defendant's negligence directly and proximately caused injuries to Plaintiff's body including, but not necessarily limited thereto, to Plaintiff's head, back, and kidney, among other parts of his body. In reasonable probability, Plaintiff will suffer for a long time in the future, if not for the balance of his natural life.

9. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, *inter alia*, as follows:

- a. Pain and suffering, past, present and future;

- b. Mortification, humiliation, fright, shock and embarrassment;
- c. Disability and/or disfigurement;
- d. Loss of earnings, earning capacity and/or fringe benefits;
- e. Hospital, pharmaceutical, and other medical and kindred costs or expenses;
- f. Aggravation of prior condition, if any there be;
- g. Inability to engage in social, recreational, and other pursuit previously enjoyed;
- h. Mental anguish;
- i. All other elements of damage provable at trial.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs and attorney fees, all to be methodically adjusted upward during the pendency of this cause.

OBRYAN BAUN COHEN KUEBLER

/s/ Howard M. Cohen
Howard M. Cohen (P41346)
Counsel for Plaintiff
401 S. Old Woodward, Ste. 450
Birmingham, MI 48009
248-258-6262; 248-258-6047 Fax
hcohen@obryanlaw.net

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY L. GLISSON,

Case No. 09-cv-13770

Plaintiff,

vs.

ADRIAN & BLISSFIELD RAILROAD
COMPANY,

Defendant.

DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff by and through counsel undersigned, OBRYAN BAUN COHEN
KUEBLER, and hereby demands trial by jury in the above-referenced cause of action.

OBRYAN BAUN COHEN KUEBLER

/s/ Howard M. Cohen
Howard M. Cohen (P41346)
Counsel for Plaintiff
401 S. Old Woodward, Ste. 450
Birmingham, MI 48009
248-258-6262; 248-258-6047 Fax
hcohen@obryanlaw.net

1.01 - Accident/Incident Overview[Back to Query Page Print Version](#)

SELECTION: RAILROAD - ALL / January to December, 2009

TOTAL ACCIDENTS/INCIDENTS:	11,129	Number of fatal accidents/incidents	648	5.82%
Overall frequency rate:	16.77	Total train miles:	663,626,931	
Total fatalities:	695	Switching miles:	81,415,398	
Total nonfatal conditions:	7,914	Employee hours:	429,638,717	

Total accidents/incidents is the sum of train accidents, highway-rail incidents, and other incidents.
Total accident/incident rate is the number of events times 1,000,000 divided by total train miles.

TOTAL TRAIN ACCIDENTS:	1,895	Number of fatal train accidents	3	0.16%
Number per million train miles:	2.86	Collisions:	133	7.02%
Total fatalities:	4	Deraillments:	1,356	71.56%
Total nonfatal conditions:	120	Other accidents:	406	21.42%

-----Primary causes-----					
Human factors:	34.30%	650	Track defects:	661	34.88%
Equipment defects:	14.04%	266	Signal defects:	50	2.64%
Miscellaneous causes:	14.14%	268			

Number of accidents on yard track:	999	52.72% of all train accidents.
Nbr per million yard train miles:	12.27	For other tracks: 1.54

Train accidents represent 17.03% of all reported events.

Number of train accidents involving passenger trains 127 6.70%

Number of train accidents that resulted in a release of hazardous material	22	1.16% of total	
Number of persons evacuated	3,160	Number of rail cars releasing hazmat	44

A train accident is an event involving ontrack rail equipment that results in monetary damage to the equipment and track above a certain threshold. Lading, clearing costs, environmental damage is not included.

HIGHWAY-RAIL	TRESPASSING INCIDENTS(not at crossings)
Incidents:	1,924
Number per million train miles:	2.90
Total fatalities:	247
Total nonfatal conditions:	737
Number of fatal crossing incidents	211
Frequency per million train miles:	1.15
Total fatalities:	417
Total nonfatal conditions:	343
	10.97%

Highway-rail and trespassing incidents account for 95.54% of all fatalities.
Highway-rail incidents represent 17.29% of all reported events.

A highway-rail incident is any impact between a rail and a highway user at a crossing site, regardless of severe. Includes motor vehicles and other highway/roadway/sidewalk users at both public and private crossings.

OTHER INCIDENTS:	7,310	Number of fatal other incidents	434	5.94% of other incidents
Other incidents account for:	65.68%	of all accidents/incidents		
Total fatalities:	444	14	Number to employees on duty.	Trespassers 416
Total nonfatal conditions:	7,057	4,319	Number to employees on duty	

Other incidents include any event where that caused a death, an injury, or an occupational illness to a railroad employee. Most fatalities in this category are to trespassers.

EMPLOYEES ON DUTY CASES:	4,470	Frequency per 200,000 hours worked:	2.08
Total fatalities:	16	2.30% of all fatalities	
Total nonfatal conditions:	4,454	56.28% of all nonfatal cases	

Note 2009 Railroad Industry Index

Passengers carried: 581,553,492 Passenger miles: 17,490,286,509
Total passenger deaths 3. Total passengers injured 1170.
The frequency of passenger cases per 100,000,000 passenger miles is 6.71 Passenger cases include all circums

A passenger mile is the movement of a passenger one mile.

EXHIBIT D

Print

Page 1 of 1

1.06 - Ten Year Accident/Incident Overview by Railroad

[Back to Query Page](#) [Print Version](#)

ADRIAN & BLISSFIELD RR [ADBF]
SUMMARY BY CALENDAR YEAR, (JAN - DEC)
Run date: Mon, Mar 7, 2011

Category	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	% Change From Last Year	% Change From 2001
TOTAL ACCIDENTS/INCIDENTS		2.0					1.0		1.0			
Total a/i rate (events per million train miles)		153.8					34.1		29.1			
--- Total fatalities												
--- Total nonfatal conditions		2.0							1.0			
Employee on duty deaths												
Nonfatal EOD injuries		1.0							1.0			
Nonfatal EOD illnesses												
Total employee on duty cases		1.0							1.0			
Employee on duty rate per 200K hours		20.4							7.0			
Cases with days absent from work									1.0			
Trespasser deaths, not at HRC												
Trespasser injuries, not at HRC												
TRAIN ACCIDENTS												
Train accidents per million train miles												
--- Train accident deaths												
--- Train accident injuries												
> Human factor caused												
> Track caused												
> Motive power/equipment caused												
> Signal caused, all track types												
> Signal caused, main line track												
> Miscellaneous caused												
> Collisions												
> *** Collisions on main line track												
> Derailments												
> Other types, e.g., obstructions												
Accidents with reportable damage > \$100K												
*** Percent of total > \$500K												
> \$1,000,000												
*** Percent of total												
Train accidents on main line												
Rate per million train miles 1/												
Accidents on yard track												
Rate per million yard switching train miles												
HAZMAT RELEASES												
--- Cars carrying hazmat												
--- Hazmat cars damaged/derailed												
--- Cars releasing												
HIGHWAY-RAIL INCIDENTS		1.0					1.0					
Rate per million train miles		76.9					34.1					
--- Highway-rail incidents deaths												
--- Highway-rail incidents injuries		1.0										
Incidents at public xlngs		1.0					1.0					
*** Percent of total		100.0					100.0					
***OTHER ACCIDENTS/INCIDENTS		1.0							1.0			
2/***												
--- Other incidents deaths												
--- Other incidents injuries		1.0										
Employee hours worked	6,973.0	9,823.0	11,902.0	18,083.0	14,798.0	14,649.0	17,127.0	23,919.0	28,771.0	36,839.0	28.0	428.3
Total train miles	5,116.0	13,007.0	8,469.0	10,943.0	22,427.0	253.0	29,303.0	57,678.0	34,379.0	53,830.0	56.6	952.2
Yard switching miles												
Passengers transported	6,704.0	6,311.0	6,992.0	6,912.0	8,894.0	8,299.0	8,671.0	9,090.0	7,314.0	8,766.0	19.9	30.8
Passengers kld in train accs or crossing												
Incidents												
Passengers inj in train accs or crossing												
Incidents												
Passengers kld in other incidents												
Passengers inj in other incidents												

Note ADBF
2009 Injury Rate

1/ Rate of accidents on mainline divided by total train miles - yard switching miles
2/ Other accidents/incidents are events other than train accidents or crossing incidents that cause physical harm to persons
TOTAL ACCIDENTS IS THE SUM OF TRAIN ACCIDENTS, CROSSING INCIDENTS, AND OTHER ACCIDENTS/INCIDENTS
Other accidents/incidents are events other than train accidents or crossing incidents that cause physical harm to persons

EXHIBIT E



lenconnect.com

The Daily Telegram • Adrian, MI • Serving Lenawee County Since 1892

Votes tallied, election unsettled for Southern Michigan Railroad Society

By Dennis Pelham

Daily Telegram

Posted Mar 07, 2010 @ 02:45 PM

ADRIAN, Mich. —

A vote count has been filed in the attempted takeover of the Clinton-based Southern Michigan Railroad Society. But the results remain unsettled because of a court challenge.

Director candidates backed by the existing management won the four seats up for election in the Nov. 14 annual meeting. But that could change if a judge agrees with a reform leader who is asking that mailed ballots be tossed out.

A group that included local business leaders attempted to gain control of the nonprofit railroad preservation organization by registering about 180 new members. Supporters of the current management countered by bringing in about 200 new members of their own by the Aug. 31 deadline to qualify to vote.

Representatives of the reform group said they want to revitalize the struggling railroad and improve relations with local businesses and neighboring property owners. Railroad society leaders said the preservation group is threatened by a takeover of unfriendly business interests.

Court action by the takeover group resulted in Tecumseh attorney Michael Brooks being appointed election supervisor by Lenawee County Probate Court. The process of documenting objections to each of the 492 ballots turned into a major undertaking. Brooks has met 19 times since the Nov. 14 election with a committee made up of representatives from both sides.

Vote counting was completed in a three-hour session on Tuesday. Brooks filed his election report Thursday afternoon in probate court.

Brooks said he is relieved his work is done and praised the help he received from the committee. "I enjoyed meeting each and every one of these people," Brooks said. "They are as different from each other as night and day. All of them were delightful to work with."

His report shows the winning candidates tallied 256 to 220 votes each. Leaders of the takeover group received 182 to 154 votes each. Two of them, Tecumseh attorney Charles Gross and Timothy Goligoski of

Maumee, Ohio, were also disqualified as candidates because they have not been members of the railroad society for 12 months as required by the bylaws. A proposal to change the bylaws and allow them to be candidates lost by a vote of 162-262.

Mark Dobronski, who received 182 votes, filed a motion in probate court on Tuesday that asks that mail-in ballots be disqualified. He is head of the Adrian Blissfield Rail Road and has been a Southern Michigan Railroad Society member since 2002.

While the railroad society's bylaws allow members to vote by mail, Dobronski argued in his motion that state law does not. The Michigan Nonprofit Corporation Act "is clear and unambiguous that a member must vote at a meeting of shareholders or members," he stated in the motion.

Language in the Act includes voting in person, by proxy and by electronic transmission, he stated. "Conspicuously absent from the Act is any provision allowing for mail-in ballots," he stated.

Dobronski said he does not know if a ruling in his favor will shift control of the board to the reform group. But he said he believes change is necessary for the railroad to survive. He said he is offering to contribute equipment, money and his experience.

"I want to see it grow and become a great little tourist railroad," Dobronski said. "They're not preserving, they're decaying away."

A hearing on his motion is scheduled for March 29 before Judge Gregg P. Iddings.

Copyright 2010 The Daily Telegram. Some rights reserved

nstein609
1 year ago

If Mr. Dobronski is truly motivated by a selfless concern for the well-being of the railroad, he's picked a funny way of showing it. For starters, instead of contributing money, he's bleeding it by subjecting it by making it pay large legal bills to conduct an election inspection to put him on the board. Now that it appears he's lost that challenge, he's going to bleed it further by suing to get his way. The message he's sending seems to be: if you don't let me save you the way I want to, I'm going to make absolutely sure you're destroyed!

If his vision for the organization is so clearly superior, why was he not able to persuade the prior membership to elect him to carry it out? Why does it seem that virtually all his votes came from the same interests that had previously tried to invalidate the railroad's land ownership, apparently with a view to grabbing it (or at least winning a permanent easement) for themselves? It seems clear which local businesses Mr. Dobronski is aiming to have better relations with. However, if Mr. Dobronski intends to run SMRS with the same long road blockages he recently subjected Adrian to with his own rail line - well, if that's his idea of improving relations with the community, I'd hate to see what he'd do if he were deliberately intending to annoy the businesses whose customers couldn't get to them due to the blockage.

Having read Section 421(5) of the act Mr. Dobronski is appealing to, I find it clear and unambiguous that the law did not intend to exhaustively list the ways in which a member not present in person may authorize a vote to be cast on his or her behalf. As a member of SMRS, I executed a signed document with the intent to direct any officer of the organization conducting the election to enter my votes for directors and on the bylaws in a specific way. To my mind, it constitutes a restricted proxy that directs the officer(s) conducting the membership meeting to vote according to my wishes, but abstain from any matter on which I have not given explicit instructions. Mr. Dobronski says that I should be disenfranchised from this election, yet puppets recruited by people with a clear private financial stake in the organization's assets should have their votes counted. This is not what I would expect from someone who believes in fair play and democracy. It's what I would expect only from the kind of person who believes in getting his own way by any underhanded trick he can think up. I did not vote for Mr. Dobronski. If he thinks he's given me any reason to change my

mind since then, he's sadly deluded.

I believe in the maxim that actions speak louder than words. So when Mr. Dobronski says he's trying to help SMRS, I'm not going to call him a liar. In my book, his own behavior does that far more convincingly than I ever could.

wolfbarper

1 year ago

The actual court documents can be found at savesmrs.com, along with links to all the previous newspaper articles in the *Telegram* and *Tecumseh Herald*, and other supporting documentation.

wolfbarper

1 year ago

RESOLVED! Court resoundingly rejects intervention. Takeover FAILS.

The complaint had said "A dispute has arisen during the review and tallying of ballots which relates to whether members, who were not present at the meeting in person or by proxy, can mail in ballots and have their ballots counted".

Um, yes, that is the whole point of mail balloting :)

It's a long tradition. Most membership nonprofits do it. The Sierra Club and NRA both use it. To allow everyone to vote, it's either mail balloting or proxies. Mail ballots are by far the best. They assure true secret ballot voting, and give 'one man one vote' (you sign the outer envelope). Proxies are rife for abuse, they eliminate secret ballots and give one man many votes - exactly why the takeover group tried so hard to use them in the 2000 Railroad Society election, which brought us here.

Anyway, here's what the court said. First, the motion was untimely. It should have been filed much sooner. Second, the court essentially said you can't change the rules mid-election, because it would be unfair to the people who followed the rules (notably, the takeover group did not.) Third, state law (MCL 450.2505) gives a nonprofit society the right to determine their own voting rules, and that certainly includes mail ballot voting. The court was 'disappointed' in the petition.

Better news yet, the Society gets new management! That was inevitable. The old management has hit term limits and there must be regime change. That's what term limits are for.

Now I hear the takeover group trying to call themselves the 'Reform Group'? I don't think so. You can't use the word 'reform' when you're against secret ballots, against one-man one-vote, trying takeover schemes, disrupting elections, and filing lawsuits against the hardworking volunteers who actually make this charity run. I think that term properly describes the American heroes who stand up against that, for no gain other than to see a magnificent historic museum and tourist attraction in Lenawee County.

EXHIBIT F



lenconnect.com

The Daily Telegram · Adrian, MI · Serving Lenawee County Since 1892

Daily Telegram

Posted Mar 11, 2010 @ 08:54 AM

Destroy railroad to save it?

To the editor,

If Mr. Dobronski is truly motivated by concern for the Southern Michigan Railroad Society, he's picked a funny way of showing it. Instead of contributing money, he's bleeding it by making it pay large legal bills for an election inspector. Since that didn't give him what he wanted, he's going to bleed it further by suing. The message seems to be: if you don't let me save you the way I want to, I'll make sure you're destroyed!

If his vision for the organization is so clearly superior, why was he not able to persuade the prior membership to elect him? Why does it seem that nearly all his votes came from the same interests that had previously tried to grab the railroad's land? It seems clear which local businesses Mr. Dobronski wants better relations with. However, if he intends to run SMRS with the same road blockages he recently inflicted on Adrian with his own trains — well, if that's his idea of improving relations, I'd hate to see what he'd do if he were deliberately out to annoy people.

Having read Section 421(5) and other parts of the act Mr. Dobronski is appealing to, I find it clear and unambiguous that the law did not intend to exhaustively list the ways in which a member not present in person may still have a vote cast.

Mr. Dobronski says that even longtime dedicated members should be disenfranchised from the election, yet puppets purchased by people with a clear private financial stake in the organization's assets should have their "votes" counted. This is not what I would expect from someone who believes in fair play and democracy. It's what I would expect only from the kind of person who believes in getting his own way by any underhanded trick he can devise.

I believe in the maxim that actions speak louder than words. So when Mr. Dobronski says he's trying to help SMRS, I'm not going to call him a liar. In my book, his own behavior does that far more convincingly than I ever could.

Michael P. Stein
Arlington, Va.

EXHIBIT G



lenconnect.com

The Daily Telegram • Adrian, MI • Serving Lenawee County Since 1892

Southern Michigan Railroad Society wins ruling

Featured Business

By Anonymous

Daily Telegram

Posted Mar 29, 2010 @ 6:51 PM

A court challenge failed Monday to change the recently reported election results for control of the Southern Michigan Railroad Society. Lenawee County Probate Judge Gregg P. Iddings ruled that mailed ballots for the November board of directors election were proper.

A motion asking that the mailed ballots be thrown out was filed a month ago by Mark Dobronski, a member of a group seeking to take control of the antique railroad preservation group, Dobronski, who is president of the Adrian Blissfield Rail Road, argued the Michigan Nonprofit Corporation Act does not allow mailed election ballots.

"He should not be able, after the fact and after all the court proceedings, to come in and disrupt this case," argued railroad society attorney Dana Dever of Ann Arbor.

Iddings ruled that Dobronski was both too late in filing in his motion and mistaken about the law. A statute cited by Dever indicates mailed ballots are "perfectly fine," Iddings said.

A report on the November election was filed March 3 by a court-appointed election supervisor who ruled months ago the mailed ballots were proper.

Copyright 2010 The Daily Telegram. Some rights reserved

Comments (2)

it could happen

1 year ago

who is responsible for the railroad crossing on M56 in the center of downtown tomsch? it is in need of repair.

Len

1 year ago

And now, Dobronski is suing the SMRS and three of its CNPAID volunteers for 10 million. And for what? Because these people exercised their free speech rights and said what they thought was true about your intentions with SMRS? Were they that close to the truth? What desperate acts will this man go through in a psychotic attempt to prove that he is right at any cost? His railroad (Ae RR) is already has enemies with the local residents, so he has no friends there. The way he has dealt with the public then and now is proof positive that he has no ability to deal with people. I just hope he isn't dragging the SMRS down the tubes with legal costs... I'm not sure that one could so successfully be involved with this much legal proceeding and not have a war chest somewhere.

Mr. Dobronski, cut your losses. Move on. Worry about your own railroad, stop meddling in others'. You have enough to do in mending public relations with your own railroad. People have been watching this from around the country, me included, and it's

EXHIBIT H



lenconnect.com

The Daily Telegram • Adrian, MI • Serving Lenawee County Since 1892

Dobronski losing latest battle with railroad society

By **Dennis Pelham**

Daily Telegram

Posted Sep 23, 2010 @ 01:01 PM

ADRIAN, Mich. —

A new round in court battles between local railroads is going against the Adrian & Blissfield Rail Road.

A complaint filed by Adrian & Blissfield president Mark Dobronski against one of three leaders of the Clinton-based Southern Michigan Railroad Society was tossed out of Lenawee County Circuit Court on Monday. Dobronski was also ordered to pay defendant Robert MacDowell's legal costs from what Judge Timothy P. Pickard ruled was a frivolous lawsuit.

Similar motions by the two other defendants will soon be decided if Dobronski does not withdraw the lawsuit first.

The two railroads have been at odds at least since 2003 when Dobronski sought to buy about 3 miles of rail line from the SMRS to connect the Adrian & Blissfield Rail Road to Tecumseh. A lawsuit sparked by that controversy was settled in 2005. The agreement included a commitment by the two railroads to cease public criticism and defamation of each other.

Dobronski filed a suit in Wayne County Circuit Court on March 2, claiming SMRS president Cynthia Given and two others broke the settlement agreement. The suit came at the end of a four-month battle over election of directors to the SMRS board. Dobronski, a dues-paying member of SMRS, lost an effort to replace board members and a legal challenge to the vote count.

In his lawsuit claiming the 2005 agreement was violated, Dobronski claimed Given, Patrick Robertson, Robert MacDowell "and other officers have in bad faith conspired, used, managed, manipulated and controlled SMRS for their own self-serving desires and motives in violation of applicable law and in violation of the rights of Dobronski as a member of SMRS ..."

There was no basis for the lawsuit, and filing it in Wayne County is a violation of the 2005 settlement agreement, argued MacDowell's attorney, Jeffrey Hudson of Troy.

The agreement prevented the two railroad entities from publicly disparaging each other, Hudson said in a motion to dismiss. But the agreement does not bind individual members of the organization, he said. And

the agreement requires any disputes involving the agreement be litigated in Lenawee County Circuit Court.

The suit was ordered transferred to Lenawee County because of that term of the 2005 agreement.

The lawsuit is part of an ongoing effort by Dobronski to bankrupt the SMRS. Hudson argued in his motion to dismiss.

"He filed a frivolous action against MacDowell (and the other defendants) in an effort, as Dobronski has admitted, to cause SMRS to incur such sufficient litigation costs that it will have to 'sue for peace' and surrender its valuable railroad track rights to Dobronski and his competing Adrian & Blissfield Rail Road," Hudson stated.

Costs of defending the latest lawsuit, he said, are "well in excess of \$10,000."

Copyright 2010 The Daily Telegram. Some rights reserved

Comments (6)

rock373
9 months ago

The problem with Dobronski is he THINKS he own every Track in Lenawee, and if he doesn't he'll try and push so much until he does. Look what he has done in Blissfield, took land owners to court to Eminent Domain property so he can build a so called Million Dollar Train Depot. To my understanding it was to have been started already but of course it hasn't. I think it was just another example of him throwing his weight around. I hope the Judges throw the book at him and makes him not only pay everyones legal bills but has to pay MILLIONS in damages.

kenh24
9 months ago

this guy is nothing but a crook and a liar!!

JT77
9 months ago

This guy is the kid in school who bullied his way around and threatened to turn you in to the teacher if you didn't do as he said.

Detroit Mike
9 months ago

Has anyone done their homework here? Adrian and Blissfield Railroad is a business. SMRS is a micky mouse operation that does not serve any customers let alone take care of their track and equipment, understandably they simply do not have the means or leadership to do so. Mr. Dobronski is a business man who creates jobs in Michigan and preserves railroads as viable business opportunities. In fact AD&B has saved several railroad lines from becoming history. Shame on the shortsightedness of the courts to allow a potentially good thing to rot away. Bury Michigan for you.

orangeandblack
9 months ago

Detroit Mike,
While the SMRS might be the best railroad out there they are far from a 'micky mouse operation' or 'rotting away'. The track is maintained for what the SMRS does, excursion runs. Many pieces of equipment have received restoration work in the last year and there is more in the works to get things fixed up. Maybe you should come out and volunteer for it. All y, then you would see what really going on. The SMRS is still here and will be for years to come.

orangeandblack

6 months ago

Gambler correction.

"I might see the best railroad on there."

EXHIBIT I

Commission asks Supreme Court to pull Dobronski | Phoenix Business Journal

From the Phoenix Business Journal:
<http://www.bizjournals.com/phoenix/stories/2001/11/05/newscolumn2.html>

Finance & Services

Commission asks Supreme Court to pull Dobronski

Phoenix Business Journal - by Eileen Brill Wagner

Date: Sunday, November 4, 2001, 10:00pm MST

Related:

[Banking & Financial Services](#)

The Commission on Judicial Conduct, an independent state agency, has recommended to the Arizona Supreme Court that Scottsdale Justice of the Peace Mark Dobronski be permanently removed from the bench for misconduct.

The commission has charged Dobronski with violating the Code of Judicial Conduct by allegedly making biased and offensive remarks to litigants in open court, displaying handcuffs and threatening a defendant with contempt for failing to mediate in good faith, dismissing cases with prejudice improperly and failing to maintain proper decorum in the courtroom.

The recommendations of the commission, which consists of six judges, two attorneys and three public members, will be considered by the Supreme Court, which has the final say in judicial discipline.

"This has been a long and complicated proceeding that started last spring," according to Keith Stott, the Commission's executive director. Stott said that in the 30 years of the commission's existence, there have been three removals by the Supreme Court. In two of those cases, the commission actually recommended lesser sentences.

The commission was represented in this case by Jon Everroad and Scott Altes of Fennemore Craig. David Derickson, a sole practitioner, represented Dobronski.

Dobronski was elected in the fall of 1998 and has been in office since January 1999.

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing letter containing the comments of Dale R. Pape have been served upon the following via first-class mail, postage prepaid, this 17th day of June, 2011:

John D. Heffner, PLLC
1750 K Street, N.W., Suite 200
Washington, DC 20006

Scott C. Cole
2700 Noon Road
Jackson, MI 49201

Gabriel D. Hall
7846 West Central Avenue
Toledo, OH 43617

A handwritten signature in black ink, appearing to read "Dale R. Pape", is written over a solid horizontal line.

Dale R. Pape

EXHIBIT G



lenconnect.com

The Daily Telegram • Adrian, MI • Serving Lenawee County Since 1892

Southern Michigan Railroad Society wins ruling

Featured Business

By Anonymous

Daily Telegram

Posted Mar 29, 2010 @ 6:51 PM

A court challenge failed Monday to change the recently reported election results for control of the Southern Michigan Railroad Society. Lenawee County Probate Judge Gregg P. Iddings ruled that mailed ballots for the November board of directors election were proper.

A motion asking that the mailed ballots be thrown out was filed a month ago by Mark Dobronski, a member of a group seeking to take control of the antique railroad preservation group. Dobronski, who is president of the Adrian Blissfield Rail Road, argued the Michigan Nonprofit Corporation Act does not allow mailed election ballots.

"He should not be able, after the fact and after all the court proceedings, to come in and disrupt this case," argued railroad society attorney Dana Dever of Ann Arbor.

Iddings ruled that Dobronski was both too late in filing in his motion and mistaken about the law. A statute cited by Dever indicates mailed ballots are "perfectly fine," Iddings said.

A report on the November election was filed March 3 by a court-appointed election supervisor who ruled months ago the mailed ballots were proper.

Copyright 2010 The Daily Telegram. Some rights reserved

Comments (2)

It could happen

1 year ago

who is responsible for the railroad crossing on M50 in the center of downtown tomsed? it is in need of repair.

Len

1 year ago

And now, Dobronski is suing the SMRS and three of its UNPAID volunteers for 10 million. And for what? Because these people exercised their free speech rights and said what they thought was true about your intentions with SMRS? Were they that close to the truth? What desperate acts will this man go through in a psychotic attempt to prove that he's right at any cost? His railroad (AS-BER) is already has enemies with the local residents, so he has no friends there. The way he has dealt with the public then and now is proof positive that he has no ability to deal with people. I just hope he isn't dragging the AS-BER down the tubes with legal costs... I'm not sure that one could successfully be involved with this much legal proceedings and not have it war the t somewhere.

Mr. Dobronski, cut your losses. Move on. Worry about your own railroad, stop meddling in others'. You have enough to do in mending public relations with your own railroad. People have been watching this from around the country, me included, and it's

EXHIBIT H



lenconnect.com

The Daily Telegram • Adrian, MI • Serving Lenawee County Since 1892

Dobronski losing latest battle with railroad society

By Dennis Pelham

Daily Telegram

Posted Sep 23, 2010 @ 01:01 PM

ADRIAN, Mich. —

A new round in court battles between local railroads is going against the Adrian & Blissfield Rail Road.

A complaint filed by Adrian & Blissfield president Mark Dobronski against one of three leaders of the Clinton-based Southern Michigan Railroad Society was tossed out of Lenawee County Circuit Court on Monday. Dobronski was also ordered to pay defendant Robert MacDowell's legal costs from what Judge Timothy P. Pickard ruled was a frivolous lawsuit.

Similar motions by the two other defendants will soon be decided if Dobronski does not withdraw the lawsuit first.

The two railroads have been at odds at least since 2003 when Dobronski sought to buy about 3 miles of rail line from the SMRS to connect the Adrian & Blissfield Rail Road to Tecumseh. A lawsuit sparked by that controversy was settled in 2005. The agreement included a commitment by the two railroads to cease public criticism and defamation of each other.

Dobronski filed a suit in Wayne County Circuit Court on March 2, claiming SMRS president Cynthia Given and two others broke the settlement agreement. The suit came at the end of a four-month battle over election of directors to the SMRS board. Dobronski, a dues-paying member of SMRS, lost an effort to replace board members and a legal challenge to the vote count.

In his lawsuit claiming the 2005 agreement was violated, Dobronski claimed Given, Patrick Robertson, Robert MacDowell and other officers have in bad faith conspired, used, managed, manipulated and controlled SMRS for their own self-serving desires and motives in violation of applicable law and in violation of the rights of Dobronski as a member of SMRS ..."

There was no basis for the lawsuit, and filing it in Wayne County is a violation of the 2005 settlement agreement, argued MacDowell's attorney, Jeffrey Hudson of Troy.

The agreement prevented the two railroad entities from publicly disparaging each other, Hudson said in a motion to dismiss. But the agreement does not bind individual members of the organization, he said. And

the agreement requires any disputes involving the agreement be litigated in Lenawee County Circuit Court.

The suit was ordered transferred to Lenawee County because of that term of the 2005 agreement.

The lawsuit is part of an ongoing effort by Dobronski to bankrupt the SMRS. Hudson argued in his motion to dismiss.

"He filed a frivolous action against MacDowell (and the other defendants) in an effort, as Dobronski has admitted, to cause SMRS to incur such sufficient litigation costs that it will have to 'sue for peace' and surrender its valuable railroad track rights to Dobronski and his competing Adrian & Blissfield Rail Road." Hudson stated.

Costs of defending the latest lawsuit, he said, are "well in excess of \$10,000."

Copyright 2010 The Daily Telegram. Some rights reserved

Comments (6)

rocky73
9 months ago

The problem with Dobronski is he THINKS he own every Track in Lenawee, and if he doesn't he'll try and push so much until he does. Look what he has done in Blissfield, took land owners to court to Eminent Domain property so he can build a so called Million Dollar Train Depot. To my understanding it was to have been started already but of course it wasn't. I think it was just another example of him throwing his weight around. I hope the Judges throw the book at him and makes him not only pay everyones legal bills but has to pay MILLIONS in damages.

kenh24
9 months ago

this guy is nothing but a crook and a liar!!

JT77
9 months ago

This guy is the kid in school who bullied his way around and threatened to turn you in to the teacher if you didn't do as he said.

Detroit Mike
9 months ago

Has anyone done their homework here? Adrian and Blissfield Railroad is a business. SMRS is a micky mouse operation that does not serve any customers let alone take care of their track and equipment, understandably they simply do not have the means or leadership to do so. Mr. Dobronski is a business man who creates jobs in Michigan and preserves railroads as viable business opportunities. In fact ADRE has saved several railroad lines from becoming history. Shame on the shortsightedness of the courts to allow a potentially good thing to rot away. Love Michigan for you.

orangeandblack
9 months ago

Detroit Mike,
While the SMRS might be the best railroad out there they are far from a 'micky mouse operation' or 'rotting away'. The track is maintained for what the SMRS does, excursion runs. Many pieces of equipment have received restoration work in the last year and there is more in the works to get things fixed up. Maybe you should come out and volunteer Detroit Mike, then you could see what's really going on. The SMRS is still here and will be for years to come.

orangeandblack

9 months ago

Grammar correction.

It might not be the best railroad out there.

EXHIBIT I

Commission asks Supreme Court to pull Dobronski | Phoenix Business Journal

From the Phoenix Business Journal:
<http://www.bizjournals.com/phoenix/stories/2001/11/05/newscolumn2.html>

Finance & Services

Commission asks Supreme Court to pull Dobronski

Phoenix Business Journal - by Eileen Brill Wagner

Date: Sunday, November 4, 2001, 10:00pm MST

Related:

[Banking & Financial Services](#)

The Commission on Judicial Conduct, an independent state agency, has recommended to the Arizona Supreme Court that Scottsdale Justice of the Peace Mark Dobronski be permanently removed from the bench for misconduct.

The commission has charged Dobronski with violating the Code of Judicial Conduct by allegedly making biased and offensive remarks to litigants in open court, displaying handcuffs and threatening a defendant with contempt for failing to mediate in good faith, dismissing cases with prejudice improperly and failing to maintain proper decorum in the courtroom.

The recommendations of the commission, which consists of six judges, two attorneys and three public members, will be considered by the Supreme Court, which has the final say in judicial discipline.

"This has been a long and complicated proceeding that started last spring," according to Keith Stott, the Commission's executive director. Stott said that in the 30 years of the commission's existence, there have been three removals by the Supreme Court. In two of those cases, the commission actually recommended lesser sentences.

The commission was represented in this case by Jon Everroad and Scott Altes of Fennemore Craig. David Derickson, a sole practitioner, represented Dobronski.

Dobronski was elected in the fall of 1998 and has been in office since January 1999.

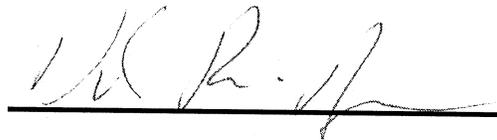
CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing letter containing the comments of Dale R. Pape have been served upon the following via first-class mail, postage prepaid, this 17th day of June, 2011:

John D. Heffner, PLLC
1750 K Street, N.W., Suite 200
Washington, DC 20006

Scott C. Cole
2700 Noon Road
Jackson, MI 49201

Gabriel D. Hall
7846 West Central Avenue
Toledo, OH 43617

A handwritten signature in black ink, appearing to read "Dale R. Pape", is written over a solid horizontal line.

Dale R. Pape