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September 17, 2012

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

232982  
ENTERED  
Office of Proceedings  
September 17, 2012  
Part of  
Public Record

RE: Diana Del Grosso, et al - Petition for Declaratory Order  
Finance Docket No.: 35652

Dear Sir/Madam:

Enclosed please find the Motion to File a Reply to a Reply of the Petitioners and a Certificate of Service. Kindly docket and file same.

If you have any questions or require any other information, please let me know.

Very truly yours,



Mark Bobrowski

cc: Atty. Howard  
Atty. Hocky  
Upton Development Group  
First Colony Development Company

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO. 35652**

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**PETITION OF  
DIANA DEL GROSSO, RAY SMITH, JOSEPH HATCH, CHERYL HATCH,  
KATHLEEN KELLEY, ANDREW WILKLUND, AND RICHARD KOSIBA  
FOR DECLARATORY ORDER**

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**MOTION FOR LEAVE TO FILE A REPLY TO A REPLY**

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Mark Bobrowski  
Blatman, Bobrowski & Mead, LLC  
9 Damonmill Square, Suite 4A4  
Concord, MA 01742  
Attorney for Complainants

Date: September 14, 2012

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO. : 35652**

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**PETITION OF DIANA DEL GROSSO, RAY SMITH, JOSEPH HATCH, CHERYL  
HATCH, KATHLEEN KELLEY, ANDREW WILKLUND, AND RICHARD KOSIBA  
FOR DECLARATORY ORDER**

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**MOTION FOR LEAVE TO FILE A REPLY TO A REPLY**

Diana Del Grosso, Ray Smith, Joseph Hatch, Cheryl Hatch, Kathleen Kelley, Andrew Wiklund, and Richard Kosiba (the "Petitioners"), by counsel, hereby submit the following Motion for Leave to File a Reply to a Reply.

Although parties are not normally permitted to reply to replies pursuant to 49 C.F.R. § 1104.13(c), the Board may allow such replies from time to time upon a showing of good cause.<sup>1</sup> In the instant matter, the Petitioners are seeking to respond to the G&U's arguments set forth in its document entitled "Reply of Grafton & Upton Railroad Co. in Opposition to Petition for Declaratory Order" ("Reply") dated August 20, 2012. Petitioners seek to address new information set forth in the Reply so that the Board may have a more complete and factual record without prejudicing other parties or unduly prolonging the proceedings. That is why on September 10, 2012, the Petitioners submitted a document entitled "Response of the Petitioners"

(the "Response") to the "Reply of Grafton & Upton Railroad Co. in Opposition to Petition for Declaratory Order" dated August 20, 2012.

For the reasons set forth above, therefore, the Board is requested to grant this Motion and allow the Response of the Petitioners.

Petitioners,  
By their attorneys,

DATE: September 17, 2012



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<sup>1</sup> See BNSF Railway Company — Discontinuance of Trackage Rights Exemption — In Peoria and Tazewell Counties, Ill., STB Docket No. AB 6 (Sub-No. 470X), slip op. at 1 (STB served June 4, 2010).

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO.: 35652**

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**PETITION OF  
DIANA DEL GROSSO, RAY SMITH, JOSEPH HATCH, CHERYL HATCH,  
KATHLEEN KELLEY, ANDREW WILKLUND, AND RICHARD KOSIBA  
FOR DECLARATORY ORDER**

**CERTIFICATE OF SERVICE**

I, Mark Bobrowski, attorney for the Petitioners, hereby certify that I served a copy of Petitioners' Motion to File a Reply to a Reply, by email through counsel, and by first class mail, postage prepaid:

First Colony Development Company, Inc.  
929 Boston Post Road East  
Marlborough, MA 01752

Grafton and Upton Railroad  
50 Westboro Road  
North Grafton, MA 01536

The Dana Companies  
210 Essex Avenue East  
Avenel, NJ 07001

Upton Development Group  
31 Whitewood Road  
Milford MA 01757

James E. Howard, Esquire  
70 Rancho Road  
Carmel Valley, CA 93924

Eric M. Hocky, Esquire  
Thorp Reed & Armstrong, LLP  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103

DATE: September 10, 2012

A handwritten signature in black ink, appearing to read 'Mark Bobrowski', written over a horizontal line.

Mark Bobrowski