

SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423

<p>The Chicago, Lake Shore and South Bend Railway) Company--Acquisition and Operation Exemption--) Norfolk Southern Railway Company)</p>	F.D. Docket No. 34960
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Joint Withdrawal of Motion to Strike Confidential Designation Of Various Documents In
Reply of The Chicago, Lake Shore and South Bend Railway Company
to Petition to Revoke and Stay Exemption

This Joint Withdrawal of Motion to Strike is filed on behalf of the City of South Bend, Indiana (“City”), Brothers of Holy Cross, Inc. (“Brothers”) and the Sisters of the Holy Cross, Inc. (“Sisters”) (collectively referred to hereinafter as “Movants”).

Background

On December 4, 2006, The Chicago, Lake Shore and South Bend Railway Company (“CLS&SB”) filed a Motion for a Protective Order covering certain “proprietary email and written correspondence between CLSSB and Norfolk Southern Railway Company in connection with the sale of the subject rail line.”¹ Movants immediately filed a reply to the motion challenging the confidentiality of the unidentified documents.

By Decision served December 14, 2006, the Board’s Secretary granted CLS&SB’s motion. Thereafter, Movants, on December 19, 2006, filed a Motion to Strike Confidential Designation of Various Documents In Reply of The Chicago, Lake Shore and South Bend Railway Company to Petition to Revoke and Stay Exemption.

¹ CLS&SB Motion at p. 1.

As demonstrated by the Joint Stipulation Regarding Confidential Designation, which is being filed concurrently herewith, the parties have jointly resolved all issues regarding the confidentiality of the tendered documents. Therefore, Movants withdraw their pending Motion to Strike on the grounds that the relief requested therein is moot.

Respectfully submitted,



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Dated: December 27, 2006

Certificate of Service

I, Richard H. Streeter, do hereby certify that a true copy of the foregoing Reply to Motion was served this 27th day of December, 2006, by first-class mail, postage prepaid, and by e-mail as designated, on the following named individuals:

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