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MAR 16 2010
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BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. 33556, Sub No. 5

CANADIAN NATIONAL RAILWAY, GRAND TRUNK CORPORATION, GRAND TRUNK WESTERN RAILROAD COMPANY INCORPORATED – CONTROL – ILLINOIS CENTRAL CORPORATION, ILLINOIS CENTRAL RAILROAD COMPANY, etc.

**MOTION OF
AMERICAN TRAIN DISPATCHERS ASSOCIATION
FOR EXTENSION OF TIME TO RESPOND TO
CARRIERS' PETITION FOR REVIEW OF AN ARBITRATION AWARD
AND TO EXCEED PAGE LIMITS**

The American Train Dispatchers Association ("ATDA") requests (a) that the time in which it may file its Reply to the Petition for Review of an Arbitration Award filed by Canadian National Railway Co., Grand Trunk Corp., Grand Trunk Western R.R. Co., Illinois Central Corp., Illinois Central R.R. Co., Chicago, Central & Pacific R.R. Co., and Cedar River R.R. Co. ("the Carriers") be extended to April 19, 2010, and (b) that ATDA be permitted to exceed the otherwise applicable 30-page limit in its filing. ATDA has contacted counsel for the Carriers and counsel for the Illinois Central Train Dispatchers Association ("ICTDA") to request their consent to the granting of this Motion but had not received a response before he had to leave his office to go out of town on business.

In support of this Motion, ATDA shows as follows:

Background

On February 1, 2010, Arbitrator Don Hampton issued an Award pursuant to Article I, Section 4 of the *New York Dock* Conditions relating to the implementation of the Carriers' plan to transfer train dispatching operations over the territory of the Grand Trunk Western Railroad Company being conducted by train dispatchers represented by ATDA at Troy, MI, to Homewood, IL. The record before the arbitrator was nearly 1,400 pages long.

Under Section 1115.8 of the Board's Rules, the Carrier filed a timely petition for review of the Award. The Carriers moved, with ATDA's consent, to extend the time for its filing and to

allow it to exceed the Board's otherwise applicable page limits. Ultimately, the Carriers filed an Appeal that is 34 pages long plus exhibits.

ATDA's Request for an Extension of Time

Section 1104.13 of the Board's Rules provides for a twenty-day response period "unless otherwise provided." Section 1104.7(b) of the Board's Rules allows this time period to be extended "upon request and for good cause."

ATDA's response to the Carriers' appeal presently is due March 29. Between now and then, ATDA's counsel has been involved in preparation of two Court of Appeals briefs, to complete a written presentation for and serve on a panel at an ABA midwinter committee meeting in Miami Beach being held March 18-19, in addition to his other regular responsibilities. Furthermore, the Carriers' appeal presentation cites a large number of cases that must be researched and for which the Carriers obtained an extension and has sought permission to exceed the page limitations of Section 1115.2(d), requires more than the usual twenty days in which to respond. Therefore, ATDA requests that it be given until April 19, 2010, an additional 21 days, in which to respond to the Carriers' Appeal.

ATDA's Request to Exceed the Page Limit

Section 1115.4(d) of the Board's Regulations provides that "Appeals and replies shall not exceed 30 pages in length, including argument, and appendices or other attachments, but excluding a table of cases and an index of subject matter." The Carriers were permitted to file a Petition that exceeded this limit. It is only fair that ATDA be permitted to do so as well.

Conclusion

For these reasons, ATDA requests that the time in which it must file its Reply be extended to April 19, 2010, and that it be permitted to file a Reply, including argument and appendices or other attachments, that exceeds 30 pages in length.

Respectfully submitted,

/s/ Michael S. Wolly
Michael S. Wolly

Zwerdling, Paul, Kahn & Wolly, P.C.
1025 Connecticut Avenue, N.W., Suite 712
Washington, D.C. 20036
TEL: (202) 857-5000
FAX: (202) 223-8417

Attorneys for ATDA

CERTIFICATE OF SERVICE

This is to certify that a copy of this Motion has been served upon counsel for the Carrier and counsel for the ICTDA by electronic mail and by first class mail, postage prepaid, this 16th day of March 2010.

/s/ Michael S. Wolly
Michael S. Wolly