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April 29, 2004

By electronic mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-55 (Sub-No. 643X), *CSX Transportation, Inc. -- Abandonment
Exemption -- in LaPorte, Porter and Starke Counties, IN*

Dear Mr. Williams:

This is the Town of North Judson's response in opposition to CSXT's motion to strike received at 2:05 p.m. on the day before the deadline for the Board's decision.

This continues and compounds CSXT's inappropriate behavior throughout the OFA litigation. CSXT is a large customer of A&K in the track materials market. It is apparent that CSXT strong-armed A&K to get A&K to attempt to negate the estimate of value previously provided by an A&K employee. It is equally apparent that the prior estimate was a good-faith expression of what A&K would pay for the materials. It is the latest statement in behalf of A&K that should be stricken because it appears to have been submitted under duress. The CSXT motion to strike should be denied.

Very truly yours,

Thomas F. McFarland
*Attorney for the Town
of North Judson, Indiana*

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cc: Louis E. Gitomer, Esq., *by e-mail*
Jonathan C. Gold, Esq., *by e-mail*
Messrs. Harvey Stone & Gary Landrio, *by fax*