

Law Offices

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Of Counsel
Thomas L. Costa
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November 12, 2007

VIA FACSIMILE

Surface Transportation Bureau
Hon. Vernon A. Williams
Secretary
395 E Street, SW
Washington, DC 20423

Re: Sills Road Realty et al. v Surface Transportation Board et al.

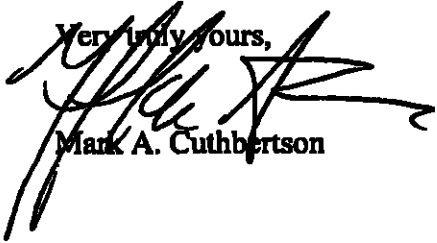
Dear Mr. Williams:

I represent the Town of Brookhaven ("Brookhaven") in the STB proceeding that is currently pending under STB Finance Docket Number 35036. I have filed a Notice of Appearance in that matter and am actively opposing the efforts of the Petitioners in the above-referenced matter to reconsider the STB's decision dated October 12, 2007.

Given those circumstances, I appeared at the Second Circuit and opposed the Order to Show Cause for a Temporary Restraining Order and Preliminary Injunction that was filed by the Petitioners in the above-referenced matter

Brookhaven has a clear interest in the outcome of the above appeal. As such I write to advise that we will be presenting to the Court of Appeals for the Second Circuit an Order to Show Cause allowing Brookhaven to intervene pursuant to FRAP 15(d).

Very truly yours,


Mark A. Cuthbertson

MAC:ss

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