

ORIGINAL
206433

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34177

IOWA, CHICAGO & EASTERN RAILROAD CORPORATION
-- ACQUISITION AND OPERATION EXEMPTION --
LINES OF I&M RAIL LINK, LLC



ENTERED
Office of Proceedings

OCT 16 2002

Part of
Public Record

**MOTION OF IOWA, CHICAGO & EASTERN RAILROAD
CORPORATION FOR LEAVE TO LATE-FILE REPLY**

William C. Sippel
Thomas J. Litwiler
Fletcher & Sippel LLC
Two Prudential Plaza, Suite 3125
180 North Stetson Avenue
Chicago, Illinois 60601-6721
(312) 540-0500

**ATTORNEYS FOR IOWA, CHICAGO &
EASTERN RAILROAD CORPORATION**

Dated: October 16, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34177

IOWA, CHICAGO & EASTERN RAILROAD CORPORATION
-- ACQUISITION AND OPERATION EXEMPTION --
LINES OF I&M RAIL LINK, LLC



**MOTION OF IOWA, CHICAGO & EASTERN RAILROAD
CORPORATION FOR LEAVE TO LATE-FILE REPLY**

Pursuant to 49 C.F.R. § 1117.1, Iowa, Chicago & Eastern Railroad Corporation ("IC&E") hereby seeks leave to late-file IC&E's "Reply to Supplement to Petition of Cooperating Labor Organizations to Revoke Exemption," submitted herewith.

On June 13, 2002, the so-called Cooperating Labor Organizations ("CLO")¹ filed a petition to revoke IC&E's exemption herein. The following day, CLO served discovery requests on IC&E. Discovery in this proceeding closed on September 12, 2002, upon service of the Board's decision denying CLO's motion to compel further discovery responses from IC&E. Pursuant to the Board's decision (at 2, n.4) and 49 C.F.R. § 1121.2, CLO filed a supplement to its prior petition to revoke on September 26, 2002. Under 49 C.F.R. § 1121.2, IC&E's reply to that supplement was due on October 11, 2002.

In calculating the due date for IC&E's reply, however, counsel for IC&E inadvertently utilized the generally applicable twenty-day reply period provided in 49 C.F.R. § 1104.13(a), rather than the more specific fifteen-day period provided by 49 C.F.R. § 1121.2.

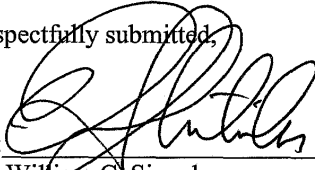
¹ CLO consists of the Brotherhood of Locomotive Engineers, Brotherhood of Maintenance of Way Employees, Brotherhood of Railroad Signalmen, International Association of Machinists, International Brotherhood of Electrical Workers and Transportation Communications International Union.

This error was not discovered in sufficient time to allow filing of IC&E's reply on October 11, 2002, and IC&E is submitting the reply on the originally-calculated due date.

IC&E respectfully requests that the Board grant it leave to file its reply five days of out of time. As indicated, the late filing is due to inadvertent error, and IC&E does not believe that accepting the reply will prejudice any party. IC&E has advised CLO counsel who signed the CLO Supplement (Mr. Wolly) and CLO counsel who handled discovery matters (Mr. Phillips) that IC&E will be filing this motion for leave to late-file, and both counsel indicated that they did not expect to oppose the request.

WHEREFORE, IC&E respectfully requests that the Board grant it leave to late-file IC&E's reply to the CLO Supplement.

Respectfully submitted,

By: 

William C. Sippel
Thomas J. Litwiler
Fletcher & Sippel LLC
Two Prudential Plaza, Suite 3125
180 North Stetson Avenue
Chicago, Illinois 60601-6721
(312) 540-0500

**ATTORNEYS FOR IOWA, CHICAGO &
EASTERN RAILROAD CORPORATION**

Dated: October 16, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2002, a copy of the foregoing
Motion of Iowa, Chicago & Eastern Railroad Corporation for Leave to Late-File Reply was
served by facsimile and overnight delivery upon:

Michael S. Wolly, Esq.
Zwerdling, Paul, Leibig, Kahn & Wolly, P.C.
1025 Connecticut Avenue, N.W.
Suite 712
Washington, DC 20036-5420

William L. Phillips, Esq.
General Counsel
Brotherhood of Railroad Signalmen
601 West Golf Road, Box U
Mount Prospect, IL 60056

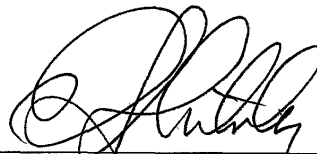
and by first-class mail, postage prepaid, upon:

David Neigus, Esq.
International Association of Machinists
9000 Machinists Place
Upper Marlboro, MD 20772

Donald Griffin, Esq.
Assistant General Counsel
Brotherhood of Maintenance of Way
Employees
10 G Street, N.E., Suite 460
Washington, DC 20002

Harold A. Ross, Esq.
Ross & Kraushaar
1548 Standard Building
1370 Ontario Street
Cleveland, OH 44113-1702

Mitchell Kraus, Esq.
General Counsel
Transportation Communications
International Union
3 Research Place
Rockville, MD 20850



Thomas J. Litwiler