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April 5, 2023
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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1316X

**GNP RLY, INC. – ABANDONMENT EXEMPTION
- IN KING COUNTY, WASHINGTON**

NOTICE OF RECENT DEVELOPMENT

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On February 17, 2023 GNP RLY, Inc (“GNP”) and the City of Woodinville, WA (“the City”) filed a Notice of Recent Development (“the February 17 Notice”)¹ to advise the Board that the Snohomish County Superior Court granted GNP’s motion for partial summary judgment in Civil Action No. 21-2-03931-31, an action filed by GNP to quiet title to the freight easement covering the Snohomish County segment of a rail line (“the Snohomish Segment”). The Snohomish Segment adjoins the Woodinville Segment at issue in this docket. The Court held that Eastside Community Rail (“ECR”), Douglas Engle and Mr. Engle’s relatives “do not own or otherwise possess any legal interest in the exclusive freight rail easement that is the subject of the suit.”²

The February 17 Notice briefly explained why the summary judgment order resolves a concern offered by the Director of Proceedings for failing to vacate the abeyance order entered in this docket on April 11, 2022 (“April 11 order”). The purpose of this filing is to advise the Board that the Superior Court summary judgment order is now final, and no longer subject to reconsideration or appeal. *See* Attachment 1, the Declaration of Sean Reay regarding State Superior Court lawsuit.³

¹ Notice of Recent Development, filed in this docket on February 17, 2023.

² *GNP RLY, Inc. v. Snohomish County et al.*, Order Granting Plaintiff GNP’s Motion For Summary Judgment Re: Named Defendants Except Snohomish County at 4, Snohomish County Superior Court No. 21-2-03931-31 (filed Jan. 26, 2023), Exh. A to the Second Verified Statement of Brandon Buchanan In Support of GNP RLY, Inc. Verified Notice of Exemption, AB 1316X (filed February 17, 2023).

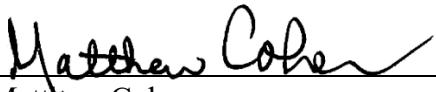
³ The Reay Declaration pertains to Docket No. AB 1331, a separate proceeding filed March 31, 2023 by Snohomish County.

In light of the finality of the Snohomish summary judgment order, GNP and Woodinville once again renew their request that the Board lift the April 11 abeyance order, so that GNP and Woodinville can implement their agreement to railbank the Woodinville Segment.

Respectfully submitted this 5th day of April, 2023.

/s/ James H.M Savage, Esq.
[By electronic signature]
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CERTIFICATE OF SERVICE

I certify that on April 5, 2023 I served by email and e-filed a copy of the following document upon all parties of record in this proceeding as listed below per the STB service list.

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Dated: April 5, 2023.



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