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ENTERED
Office of Chief Counsel
October 14, 2026
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Public Record

SLOVER & LOFTUS LLP
ATTORNEYS AT LAW
FRANK J. PERGOLIZZI

IAIS-5/FSE-3/METRA-3

October 14, 2026

Via Email

Hon. Jenifer J. Soulikias
Administrative Law Judge
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Dear Judge Soulikias:

Pursuant to Section F.2.b of the Discovery Guidelines entered in Decision No. 24, I write on behalf of Iowa Interstate Railroad, LLC ("IAIS"), Foresight Energy, LLC ("Foresight"), and Metra (Northern Illinois Transit Authority's commuter rail division) ("Metra") (collectively "Movants") regarding the agenda for the upcoming October 16, 2026 discovery conference.

I. IAIS, FORESIGHT, AND METRA'S MOTION TO RECALL KATHERINE NOVAK (IAIS-4/FSE-2/METRA-2)

Movants request an order directing the recall of Union Pacific Railroad Company ("UP") witness Katherine Novak for the completion of her deposition. As Movants explain, Ms. Novak should be ordered to appear for a one-hour remote deposition to allow Movants to ask the questions that UP's ongoing delay tactics (including interposing over 600 objections) prevented them from asking. These tactics were inconsistent with the discovery-guideline requirement that "Parties shall use their best efforts to complete depositions as promptly as practicable," and resulted in a substantial interference with the time available for Movants, as well as other counsel participating in the Novak deposition, to ask questions. UP continues to oppose the Motion to Recall Ms. Novak. UP-117.

II. LIST OF ATTENDEES

A. For Movants

Frank J. Pergolizzi and Andrew B. Kolesar III intend to participate in the conference via video, and to appear on-camera only when speaking. Their contact information is as follows:

fjp@sloverandloftus.com
abk@sloverandloftus.com

B. For Union Pacific (anticipated)

1. Michael Rosenthal
2. Laura Flahive Wu
3. Kevin Kelly

C. For Canadian National (anticipated)

1. Sara Y. Razi
2. Abram J. Ellis
3. Lindsey Bohl

Respectfully submitted,

/s/ *Frank J. Pergolizzi*

Frank J. Pergolizzi

cc: Parties of Record

CERTIFICATE OF SERVICE

I certify that I caused the foregoing to be served electronically or by first-class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Jenifer Soulikias, and all parties of record in this proceeding.

/s/ Frank J. Pergolizzi
Attorney for Movants

October 14, 2026