

Before the
Surface Transportation Board

JR - 6
242221

STB FINANCE DOCKET NO. 36078

ENTERED
Office of Proceedings
December 9, 2016
Part of
Public Record

PETITION FOR A DECLARATORY ORDER
(Hudson Street Industrial Track / Harsimus Branch
(Jersey City, Hudson County, NJ)

RIFFIN'S POSITION ON WHEN REPLIES ARE DUE

1. Comes now your Petitioner, James Riffin (“**Riffin**”), who herewith states for the record, his position on when Replies are due in this proceeding.

2. Riffin has been asked: Would he object to an extension of the time within which replies are due; Has Riffin filed his ‘final’ supplement?

3. In response, Riffin has stated:

A. There is no need to seek an extension of the time within which replies may be filed.

Reason: The STB has held in numerous proceedings that when a filing is amended / supplemented, the time for filing a reply is automatically extended to 20 days after the last amendment / supplement. (At least as to amendments / supplements made **before** any replies are filed.)

In this proceeding, Riffin supplemented / amended his Petition for Declaratory Order three times **before** any replies were filed. Since Riffin’s third supplement was filed

on December 5, 2016, replies to his original petition, as supplemented / amended through December 5, 2016, **would be due December 25, 2016.** Since December 25 is a Federal holiday, Riffin would suggest that all replies be filed by December 24, 2016.

- B. Riffin is likely to file additional supplements / amendments to his Petition. (An additional supplement is being filed contemporaneously with this filing.)

Riffin would argue that replies to his Petition, as amended through December 5, 2016, are due no later than December 25, 2016. Riffin would further argue that replies to his Fourth Supplement (filed December 9, 2016), would be due by December 29, 2016. Any replies filed **after** December 25, 2016, should be limited to a reply to whatever is filed after December 5, 2016.

Respectfully,

James Riffin
P. O. Box 4044
Timonium, MD 21094
(443) 414-6210

CERTIFICATE OF SERVICE

I hereby certify that on or before the 9th Day of December, 2016, a copy of the foregoing Riffin's Position on Replies, was served on the following entities by e-mail: Charles Montange, counsel for City et al.; Daniel Horgan, counsel for the LLCs; Robert Jenkins, Adam Sloane, and Jonathan Broder, counsel for Conrail; Brendan Judge, Matthew Warren, Hanna Chouest, counsel for the owners / developers of the Metro Plaza parcel; Eric Strohmeyer, COO of CNJ Rail. A paper copy was also mailed to Mr. Montange.

James Riffin