

Counsel for the parties jointly request that the evidentiary hearing in this matter – currently scheduled for 10:00 a.m. on November 16, 2020 – be continued to a mutually-convenient date in mid-February or early March of 2021.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott (0046767)
(Counsel of Record)
Mark W. Sandretto (0079536)
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Facsimile: (419) 247-1777

Attorneys for Co-Petitioner
Norfolk Southern Railway Company

DICKIE, MCCAMEY & CHILCOTE, P.C.

/s/ R. Leland Evans

R. Leland Evans (0006833)
(Counsel of Record)
Richard Silk (0074111)
250 Civic Center Drive, Suite 280
Columbus, Ohio 43215
Telephone: (614) 258-6000
Facsimile: (614) 258-6006

Attorneys for Co-Petitioner
CSX Transportation, Inc.

DELAWARE COUNTY BOARD OF
COMMISSIONERS

/s/ Aric J. Hochstettler

Aric I. Hochstettler (0081081)
(Counsel of Record)
Staff Attorney
101 North Sandusky Street
Delaware, Ohio 43015
Telephone: (740) 833-2118
Facsimile: (740) 833-2099

Attorneys for Delaware County
Board of Commissioners

DELAWARE COUNTY PROSECUTING
ATTORNEY'S OFFICE

/s/ Christopher D. Betts

Christopher D. Betts (0068030)
(Counsel of Record)
Assistant Prosecuting Attorney
145 North Union Street, 3rd Floor
Delaware, Ohio 43015
Telephone: (740) 833-2690
Facsimile: (740) 833-2689

Attorneys for The Delaware County
Engineer and Orange Township,
Delaware County, Ohio

MEMORANDUM IN SUPPORT

Via Entry of July 23, 2020, the Commission scheduled the evidentiary hearing in this matter for November 16, 2020. Counsel continue to work well together (*e.g.*, they have cooperated with respect to document production, and informal/formal deposition discovery which is ongoing), but would benefit from additional time to pursue further discovery toward streamlining the issues in dispute and,

assuming necessary, coordinating exhibits, etc. in preparation for the evidentiary hearing which, presumably, will be conducted virtually. Also, certain parties recently extended a settlement overture, toward voluntary closure; while this does not appear viable on its face, it has required additional time for party review, with related conversations ongoing.

In light of same, by and through counsel, the parties respectfully request that the evidentiary hearing in this matter be rescheduled for a mutually-convenient date in mid-February or early March of 2021 – specifically, assuming the Commission is amenable, counsel appear to be available during the week of February 16, 2021 (note that February 15 is a legal holiday) or during the week of March 1, 2021.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

D. Casey Talbott (0046767)
(Counsel of Record)
Mark W. Sandretto (0079536)
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Facsimile: (419) 247-1777

Attorneys for Co-Petitioner
Norfolk Southern Railway Company

DELAWARE COUNTY BOARD OF
COMMISSIONERS

/s/ Aric J. Hochstettler

Aric I. Hochstettler (0081081)
(Counsel of Record)
Staff Attorney
101 North Sandusky Street
Delaware, Ohio 43015
Telephone: (740) 833-2118
Facsimile: (740) 833-2099

Attorneys for Delaware County
Board of Commissioners

DICKIE, MCCAMEY & CHILCOTE, P.C.

/s/ R. Leland Evans

R. Leland Evans (0006833)
(Counsel of Record)
Richard Silk (0074111)
250 Civic Center Drive, Suite 280
Columbus, Ohio 43215
Telephone: (614) 258-6000
Facsimile: (614) 258-6006

Attorneys for Co-Petitioner
CSX Transportation, Inc.

DELAWARE COUNTY PROSECUTING
ATTORNEY'S OFFICE

/s/ Christopher D. Betts

Christopher D. Betts (0068030)
(Counsel of Record)
Assistant Prosecuting Attorney
145 North Union Street, 3rd Floor
Delaware, Ohio 43015
Telephone: (740) 833-2690
Facsimile: (740) 833-2689

Attorneys for The Delaware County
Engineer and Orange Township,
Delaware County, Ohio

CERTIFICATE OF SERVICE

A copy of the foregoing **Joint Request to Continue Evidentiary Hearing** was filed electronically with the Commission this 28th day of October, 2020. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ D. Casey Talbott

Attorney for Co-Petitioner

Norfolk Southern Railway Company

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/28/2020 2:40:17 PM

in

Case No(s). 19-0180-RR-UNC

Summary: Request Joint Request to Continue Evidentiary Hearing electronically filed by Mr. D. Casey Talbott on behalf of Norfolk Southern Railway Company