BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Petition of Norfolk : Case No. 19-180-RR-UNC

Southern Railway Company and CSX

Transportation, Inc. to Close the Franklin : <u>JOINT REQUEST TO</u>

Street Crossings (DOT Nos. 481482D & <u>CONTINUE EVIDENTIARY</u> 518257V) in Orange Township, Delaware : HEARING

518257V) in Orange Township, Delaware : <u>H</u> County.

.,

D. Casey Talbott (0046767) : R. Leland Evans (0006833)

(Counsel of Record) (Counsel of Record)
EASTMAN & SMITH LTD. : Richard Silk (0074111)

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Attorneys for Delaware County :

Board of Commissioners Attorneys for The Delaware County

Engineer and Orange Township,

Delaware County, Ohio

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.	DICKIE, MCCAMEY & CHILCOTE, P.C.
/s/ D. Casey Talbott	/s/ R. Leland Evans
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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.

DICKIE, MCCAMEY & CHILCOTE, P.C.

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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