



1 Bartoskewitz may testify regarding BNSF property ownership and the impact on BNSF's  
2 operations and employee safety due to the construction and placement of the proposed at-  
3 grade crossing.

4 Due to another potentially unavoidable commitment, BNSF may need to substitute Mr.  
5 Bartoskewitz with another witness, BNSF Manager Public Projects Danniell MacDonald or the  
6 individual taking over his responsibilities. If so, Mr. Bartoskewitz's replacement will testify  
7 to the same topics addressed above.

8 EXHIBIT LIST

9 BNSF may use the exhibits submitted by the other parties to this matter.

10 RESERVATIONS

11 BNSF reserves the right to submit exhibits that may be necessary to refute or impeach  
12 the testimony of witnesses who offer testimony contrary to the written testimony previously  
13 submitted.

14 DATED this 9th day of October, 2006.

15 Montgomery Scarp MacDougall, PLLC

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17 s/Kevin S. MacDougall  
18 Kevin S. MacDougall, WSBA No. 31280  
19 Of Attorneys for Defendant  
20 BNSF Railway Company  
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