

From: Kelsey Endres [mailto:Kelsey@MontgomeryScarp.com]
Sent: Tuesday, November 03, 2009 11:23 AM
To: Torem, Adam (UTC)
Cc: Thompson, Jonathan (ATG); Kasting, Justin; Logen, Lynn; Bradley Scarp; Hunter, Kathy (UTC)
Subject: RE: Logen Road initial order clarification

Judge Torem (et. al):

Please disregard the email below. It has been brought to our attention that the cost-allocation can be worked out between the parties pursuant to RCW 81.53.130.

Sorry for any confusion.

Sincerely,
Kelsey

Kelsey Endres
MONTGOMERY SCARP MACDOUGALL PLLC
Office: 206-625-1801 | *Fax:* 206-625-1807

From: Kelsey Endres
Sent: Thursday, October 29, 2009 2:03 PM
To: 'ATorem@wutc.wa.gov'
Cc: 'Thompson, Jonathan (ATG)'; 'Kasting, Justin'; 'Logen, Lynn'; Bradley Scarp; 'Hunter, Kathy (UTC)'
Subject: Logen Road initial order clarification

Judge Torem:

BNSF is generally satisfied with the initial order in the Logen Road crossing closure case. However, there is an issue that needs clarifying and we'd like your advice on the best way to proceed. All costs associated with closure should be apportioned solely to BNSF, instead of between BNSF, the County, and the City.

Is there a way to clarify cost-apportionment, short of filing a petition for review?

Sincerely,
Kelsey

Kelsey Endres
MONTGOMERY SCARP MACDOUGALL PLLC
2700 Seattle Tower | 1218 Third Avenue | Seattle, WA 98101
Office: 206-625-1801 | *Fax:* 206-625-1807
kelsey@montgomeryscarp.com | www.montgomeryscarp.com

Confidentiality Notice: This e-mail message may contain confidential or privileged information. If you have received this message by mistake, please do not review, disclose, copy, or distribute the e-mail. Instead, please notify us immediately by replying to this message or telephoning us. Thank you.