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January 30, 2008
Via Electronic Mail

Judge Adam Torem
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

RE: Docket No. TR-070696
Hearing / Thursday, January 31, 2008

Dear Judge Torem:

I apologize for the late notification, but I am in the middle of jury duty and trying to catch up on work at odd hours. So far, I have dutifully explained during voir dire that my commitment tomorrow morning would preclude my participation in any jury function during those hours, however, that probably has not been the reason for my matter-of-fact dismissal from service on a jury panel. That aside, my records do not indicate that any other parties expressed a desire or reserved time to cross-examine Mr. Smith or Mr. Liou. Assuming that is correct, BNSF does not need to call them for cross-examination at tomorrow's hearing in Seattle. Pursuant to the schedule, we will be ready to cross-examine Mr. Zeinz beginning at 9:00 a.m.

Please let us know if you have any questions or comments, and be sure to include Ms. Endres on any communication in my absence.

Very truly yours,

Montgomery Scarp MacDougall, PLLC

Bradley Scarp

Bradley P. Scarp

cc: (Via Electronic Mail and U.S. Mail)
Stephen Fallquist
Scott Lockwood
Brian K. Snure

Gary T. Jones
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Kevin Rogerson

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