

**From:** [Howard, Michael \(UTC\)](#)  
**To:** [Doyle, Paige \(UTC\)](#); [Brewster, Stacey \(UTC\)](#)  
**Subject:** FW: Docket No. TR-220540 - City of Wenatchee v. BNSF Railway Company  
**Date:** Monday, September 11, 2023 2:58:13 PM

---

Please add my below email to Steve Smith to the docket in TR-220540, thanks!

**Michael Howard**

Acting Director, Administrative Law Division  
Administrative Law Judge  
Office: (360) 664-1139  
Work Cell: (360) 791-0715  
[michael.howard@utc.wa.gov](mailto:michael.howard@utc.wa.gov)

---

**From:** Howard, Michael (UTC)  
**Sent:** Monday, September 11, 2023 2:58 PM  
**To:** Steve Smith <[steve@dadkp.com](mailto:steve@dadkp.com)>; Gabby DeGregorio <[Gabby.DeGregorio@Foster.com](mailto:Gabby.DeGregorio@Foster.com)>; Toni Martin <[toni@dadkp.com](mailto:toni@dadkp.com)>; Roberson, Jeff (UTC) <[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>  
**Cc:** Christopher Emch <[chris.emch@foster.com](mailto:chris.emch@foster.com)>; [Trey.Sargent@BNSF.com](mailto:Trey.Sargent@BNSF.com); Thomas Ahearne <[ahearne@foster.com](mailto:ahearne@foster.com)>; Adrian Urquhart Winder <[adrian.winder@foster.com](mailto:adrian.winder@foster.com)>; Ryan Harmon <[RHarmon@WenatcheeWA.Gov](mailto:RHarmon@WenatcheeWA.Gov)>  
**Subject:** RE: Docket No. TR-220540 - City of Wenatchee v. BNSF Railway Company

Received, thank you Mr. Smith. Please update me by October 1<sup>st</sup> if the parties have not yet reached a settlement.

**Michael Howard**

Acting Director, Administrative Law Division  
Administrative Law Judge  
Office: (360) 664-1139  
Work Cell: (360) 791-0715  
[michael.howard@utc.wa.gov](mailto:michael.howard@utc.wa.gov)

---

**From:** Steve Smith <[steve@dadkp.com](mailto:steve@dadkp.com)>  
**Sent:** Monday, September 11, 2023 2:49 PM  
**To:** Howard, Michael (UTC) <[michael.howard@utc.wa.gov](mailto:michael.howard@utc.wa.gov)>; Gabby DeGregorio <[Gabby.DeGregorio@Foster.com](mailto:Gabby.DeGregorio@Foster.com)>; Toni Martin <[toni@dadkp.com](mailto:toni@dadkp.com)>; Roberson, Jeff (UTC) <[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>  
**Cc:** Christopher Emch <[chris.emch@foster.com](mailto:chris.emch@foster.com)>; [Trey.Sargent@BNSF.com](mailto:Trey.Sargent@BNSF.com); Thomas Ahearne <[ahearne@foster.com](mailto:ahearne@foster.com)>; Adrian Urquhart Winder <[adrian.winder@foster.com](mailto:adrian.winder@foster.com)>; Ryan Harmon <[RHarmon@WenatcheeWA.Gov](mailto:RHarmon@WenatcheeWA.Gov)>  
**Subject:** Docket No. TR-220540 - City of Wenatchee v. BNSF Railway Company

External Email

Dear Judge Howard,

Before you were substituted in, Judge Pearson asked that we send in a status update by September 1. This is a little late obviously, but please be advised that the parties are working on a resolution. There is no pending hearing date and at this time I think the parties intend to keep working toward a resolution. The City and BNSF tentatively agreed to a design change and yet need to work through a construction and maintenance agreement. Once those things are in place we will be in a position to resolve the UTC case.

Steve Smith