

February 24, 2016

Jeffrey S. Eaton, Clerk of Court
United States District Court of Vermont
Room 506
Federal Building
11 Elmwood Avenue
Burlington, VT 05401

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Re: *Vermont Railway, Inc. v. Town of Shelburne*, Civil Action No. 2:16-cv-16

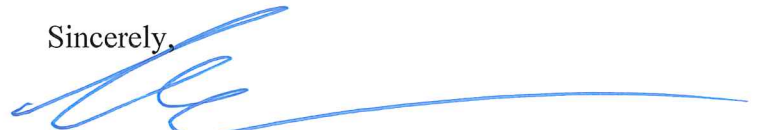
Dear Mr. Eaton:

Vermont Railway, Inc. (“Vermont Railway”) filed its Opposition to the Town of Shelburne’s (“the Town”) Motion for Preliminary Injunction yesterday, February 23, 2016, along with a second letter regarding the scheduling of a hearing on the Town’s motions for preliminary injunction. It has been almost a month since tree clearing commenced and the Town filed its first motion for preliminary injunction (in the Environmental Court), which still remains pending. Vermont Railway now asks for another two-week delay, thereby extending the time for the Railway to continue freely conducting construction activities on the property, the very essence of which grounds our motion for an injunction. The Town does not assent to a delay.

The Town expressed a willingness to assent to the delay should Vermont Railway agree to cease further development until after this court rules on the pending motions. Vermont Railway, however, upon information and belief, has continued activities on the parcel. In Vermont Railway’s February 23, 2016, letter to this court, it specifically describes its intentions of spending four to five weeks removing stumps; stockpiling soil; installing road stabilization fabric and gravels; and placing fill. This is the exact type of irreparable harm the Town seeks to prevent by filing its motions for injunctive relief. These activities support the need for immediate review. The request for a delay misses the point of the emergency motion and underscores the very issue at hand- Railway’s disregard for the impact of its actions.

Given Vermont Railway’s upcoming development plans, the Town renews its request for immediate hearing on the motions for preliminary injunction.

Sincerely,



Claudine C. Safar, Esq.
Attorney for the Town of Shelburne

cc: Eric Poehlmann (via electronic mail)
Client