

From: Priscilla Burton
To: Wright, Mary Ann
Date: 9/8/03 9:53AM
Subject: Union Pacific RR/ White Oak Loadout

Hello Mary Ann,

I spoke with Laura Gibson (Claims Dept. Union Pacific RR). She said she would like to finish the clean up, but the landowner has refused the RR access. She said that a letter from Liodakis' attorney requested between \$2,000 - 5,000/day access fee. The letter indicates that the fee collected would be put towards reclamation of the site. The letter also indicates that the reclamation conducted thus far has been affected by the coal spillage.

Since the RR has been using the service road for access for 26 years, they feel that they have a prescriptive easement across the Liodakis property.

Ms. Gibson indicated that the RR right of way was 50' from the center line through the Liodakis property (something to keep in mind during reclamation). The RR wants to be notified of reclamation work within the right of way.

The RR believes that coal spillage at the Skyline loadout precipitated the derailment.

Ms. Gibson suggested that our attorney contact their attorney (Sherri Gochberg), since the reclamation work is discussed in the Liodakis letters. Laura Gibson's cell phone is 801-824-3947. Her office phone is 595-3381. She is in the office today. She will be out of the office the next few days.

Priscilla.

CC: Demczak, Steve; Grubaugh-Littig, Pam; Haddock, Daron