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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Union Pacific Railroad's
Petition for Relief against the Utah
Department of Transportation

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**MOTION FOR MODIFICATION
OF SCHEDULING ORDER**

DOCKET NO. 09-888-01

Anderson Geneva, LLC, Ice Castle Retirement Fund L.L.C., and Anderson Geneva Development, Inc. (the "Anderson parties"), by and through their counsel of record, hereby move the court for a modification to its Scheduling Order dated October 28, 2009. The Scheduling Order at that time provided UDOT and Union Pacific Railroad, the only two named parties, three full months to perform discovery and three and a half months before a hearing would be held. Orders have now been entered by the Commission allowing intervention by the Town of Vineyard and the Anderson parties. However, these Orders were issued on December 16, 2009, and December 21, 2009. Since it has only been a week since the new parties were added to the proceedings, responsive pleadings are still being filed. Now that the parties are known, the discovery and hearing schedule should be adjusted to accommodate all parties.

The Anderson parties are hereby requesting a period of at least three months after responsive pleadings are filed in which to conduct discovery and further request that the hearing date be modified to allow for adequate preparation after discovery is completed.

Discovery is especially important to the Anderson parties because they were not allowed to participate in the conduct of the site survey. Further, it is believed that it is equally important to the Town of Vineyard because the appeal of Union Pacific has the potential of eliminating a critical public crossing, creating an area that is more than two-thirds of the length of the Town (over two miles) with no public rail crossings available to residents or land owners within the Town.

Respectfully submitted this 29th day of December, 2009.

DENNIS M. ASTILL, PC LAW FIRM

signed by Dennis M. Astill on 12-29-09

By: _____

Dennis M. Astill

Attorneys for Anderson entities

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of December, 2009, a true and correct copy of the foregoing Motion for Modification of Scheduling Order was served to the persons and in the manner below:

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