



**NATIONAL MEDIATION BOARD**  
WASHINGTON, D.C. 20572

(202) 692-5000

March 25, 2014

**VIA EMAIL & U.S. MAIL**

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Neil H. Abramson, Esq.  
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Eleven Times Square  
New York, NY 10036

Carmen Parcelli, Esq.  
Guerrieri, Clayman, Bartos & Parcelli  
1625 Massachusetts Avenue, NW, Suite 700  
Washington, DC 20036

Re: Presidential Emergency Board No. 245

Gentlemen and Ms. Parcelli:

This letter establishes the schedule and ground rules set by Presidential Emergency Board (PEB) 245.

The Board requires a copy of the PEB 244 evidentiary record, including hearing submissions and transcripts, as it reviews and selects final offers. Each party shall send its submissions from PEB 244 to the Board Members, as well as one copy addressed jointly to Maria-Kate Dowling and Norman Graber, at the addresses listed below. Electronic copies of the submissions should be received by 5:00 p.m., ET, on Friday, March 28, 2014. Hard copies of the submissions should be sent via overnight delivery for Saturday delivery at the latest.

The parties are also required to provide an overview of the case, not to exceed 20 pages, including a statement of issues in dispute and a brief history of the bargaining dispute to the Board Members by 5:00 p.m., ET, on Friday, March 28, 2014. These submissions should be sent to the PEB Members, as well as Maria-Kate Dowling and Norman Graber, by email and via overnight delivery for Saturday delivery. Electronic documents should be submitted in Adobe.pdf.

The Board will informally meet jointly and individually with each of the parties on Friday, April 11, 2014 beginning at 9:00 a.m. ET at the National Mediation Board

headquarters at 1301 K Street, NW, Suite 250E, Washington, DC 20005. The Board will proceed to investigate the dispute and engage in discussions with the parties, so long as deemed fruitful by the Board, until 5:00 p.m., ET. This meeting is intended only for the party principals and their attorneys.

Pursuant to §9a(f) of the Railway Labor Act, the parties must submit final offers to the Board on Sunday, April 20, 2014. The final offers should be sent to the PEB Members, as well as Maria-Kate Dowling and Norman Graber, via email by noon, ET, on Sunday, April 20, 2014. The parties should also exchange electronic copies of the final offers by noon, Sunday, April 20, 2014. Hard copies of the final offers should be delivered to the PEB Members and Maria-Kate Dowling and Norman Graber by 10 a.m., ET, Monday, April 21, 2014 to the New York Marriott East Side, 525 Lexington Avenue, New York, NY 10017. The telephone number for New York Marriott East Side is 212-755-4000. The final offers must also be submitted on a thumb drive to the Board, as well as Maria-Kate Dowling and Norman Graber, together with the hard copies of the final offers.<sup>1</sup>

The Board will convene formal proceedings on April 21, 2014 at the New York Marriott East Side in the Stuyvesant Room to hear statements in support of final offers. The hearings will begin at noon on April 21, 2014 and will continue on April 22, and 23, 2014 if necessary. Opening arguments will be on Monday and the opening argument for each side is limited to one hour. The parties will provide a written copy of their opening statements to the Board, the Board counsel, and the opposing side at the opening of the hearing. The Unions will present their case immediately following the opening arguments and the LIRR will present its case thereafter. If necessary, the parties may present rebuttal arguments. Following any rebuttal, the parties may present closing arguments limited to one hour each.

The parties will provide Maria-Kate Dowling and Norman Graber with the approximate number of witnesses and the total time for examination by 4 p.m. on Friday, April 18, 2014. The parties are limited to 45 attendees each, including attorneys.

Daily transcripts will be available from the court reporter. Only counsel for the parties can order the transcripts directly from the court reporting service. The court reporter will be advised that anyone else seeking to obtain copies of the transcripts must be approved in writing by the undersigned. The court reporting service is as follows: Barrister Reporting Service, 120 Broadway #1111, New York, NY 10271. The telephone number for the court reporter is 212-732-8066.

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<sup>1</sup> Deliveries to the Marriott should be sent as follows:

Name of Addressee  
c/o New York Marriott East Side  
Events Team  
525 Lexington Avenue  
New York, NY 10017

All submissions must be simultaneously served upon all parties. No extensions of time will be granted during this Emergency Board.

Please do not hesitate to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Maria-Kate Dowling". The signature is written in a cursive style with a large, looped initial "M".

Maria-Kate Dowling  
Counsel to PEB No. 245

A handwritten signature in black ink that reads "Norman L. Graber". The signature is written in a cursive style with a large, looped initial "N".

Norman L. Graber  
Counsel to PEB No. 245

Copies to:  
Joshua Javits, Chairman  
M. David Vaughn, Member  
Elizabeth C. Wesman, Member

## Addresses

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