

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
CSX TRANSPORTATION, INC.)	
)	
Plaintiff,)	
)	Case No. 04-611(RWR)
v.)	
)	
NATIONAL MEDIATION BOARD)	
)	
Defendant.)	
_____)	

**MOTION OF THE
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
FOR LEAVE TO INTERVENE,
AND STATEMENT IN SUPPORT THEREOF**

_____ Pursuant to Fed. R. Civ. P. 24, the Brotherhood of Maintenance of Way Employes (“BMWE”), hereby moves the Court for leave to intervene in this case.

In support of this motion, BMWE states that this litigation between CSX Transportation (“CSXT”) and the National Mediation Board (“NMB”) concerns arbitration of disputes between BMWE and CSXT, so BMWE clearly has an interest in the outcome of this case, and the decision will affect BMWE’s rights and interests. BMWE further states that it takes no position on the merits of the issues contested by CSXT and the NMB, BMWE merely seeks to protect its interests, whatever the outcome of the case may be.

More specifically, BMWE notes that, pursuant to an agreement between BMWE and CSXT, 31 Public Law Boards (“PLB”) had been established by the NMB to hear certain contracting-out disputes (many of which are already several years old). By the order that gave rise to this litigation, the NMB consolidated the cases that were pending before those PLBs onto

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of the Brotherhood of Maintenance of Way Employes for Leave to Intervene, and Statement in Support Thereof was served this 20th day of September, 2004 via First Class mail upon:

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/s/

Richard S. Edelman