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VIA FEDERAL EXPRESS

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Re: No. 21-7093, *In re: Rail Freight Fuel Surcharge Antitrust Litigation, MDL No. 1869*; No. 21-7095, *Oxbow Carbon & Minerals LLC v. Union Pacific Railroad Company*

Dear Mr. Langer:

I write to explain Appellants' use of acronyms for Appellants' names in the briefing and Glossary of Abbreviations in the above-captioned cases.

Appellants in this consolidated appeal are four freight railroads: BNSF Railway Company, CSX Transportation, Inc., Norfolk Southern Railway Company, and Union Pacific Railroad Company.* Within the industry, these railroads are commonly referred to as BNSF,

* Only BNSF Railway Company and Union Pacific Railroad Company are Appellants in No. 21-7095.

CSXT, NS, and UP. As a result, the documents in the record refer to the railroads using those names, as does the District Court's opinion now on appeal.

Appellants' briefs, therefore, also use those names. We believe this approach is consistent with the purposes of the directive in this Court's Notice of January 26, 2010 that only "widely recognized initials" should be used, while "parties should avoid using acronyms that are not widely known." Those names are widely (indeed, almost exclusively) used in the record material and proceedings below. More fundamentally, as the Notice explains, the reason for this rule is "[t]o enhance the clarity of the brief." We believe that using consistent terminology—across the record, the opinion below, and the briefs in this Court—is the best way to enhance the clarity of presentation for this Court. Finally, we note that "BNSF" and "CSX" are not acronyms at all, but rather are those Appellants' actual names, and "CSXT" is used to distinguish the party here (CSX Transportation, Inc.) from other entities that have also used the CSX name.

I appreciate your courtesy in providing this letter to the Panel. Please do not hesitate to contact me if there is any additional information I can provide.

Very truly yours,

/s/ Donald B. Verrilli, Jr.
Donald B. Verrilli, Jr.