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775 H Street, N.E.

No. 17-530

WISCONSIN CENTRAL, LTD.; GRAND TRUNK WESTERN RAILROAD COMPANY; AND ILLINOIS CENTRAL RAILROAD COMPANY,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

#### AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that on February 23, 2018, three (3) copies of the BRIEF OF THE ASSOCIATION OF AMERICAN RAILROADS AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER in the above-captioned case were served, as required by U.S. Supreme Court Rule 29.5(c), on the following:

#### Attorneys for Petitioners:

THOMAS HENDERSON DUPREE JR. GIBSON, DUNN & CRUTCHER LLP 1050 Connecticut Ave., NW Washington, DC 20036 (202) 955-8500

Counsel for Wisconsin Central Ltd., et al.

**Attorneys for Respondent:** 

NOEL J. FRANCISCO Solicitor General UNITED STATES DEPARTMENT OF JUSTICE 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 (202) 514-2217

Counsel for United States

The following email addresses have also been served electronically:

dsaphire@aar.org TDupree@gibsondunn.com SupremeCtBriefs@USDOJ.gov meritsbriefs@supremecourt.gov

**CASEY HOGAN** 

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Sworn to and subsection of this 23rd day of February 2018.

CHRISTOPHER R. DORSEY

NOTARY PUBLIC

District of Columbia

My commission expires July 31, 2018.

## IN THE

# Supreme Court of the United States

WISCONSIN CENTRAL, LTD, GRAND TRUNK WESTERN RAILROAD COMPANY AND ILLINOIS CENTRAL RAILROAD COMPANY,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ of *Certiorari* to the United States Court of Appeals for the Seventh Circuit

# BRIEF OF THE ASSOCIATION OF AMERICAN RAILROADS AS AMICUS CURIAE IN SUPPORT OF PETITIONER

## CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the document contains 6,060 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 23, 2018.

Christopher R. Dorsey

Wilson-Epes Printing Co., Inc.

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February 20, 2018

Daniel Saphire Associate General Counsel Association of American Railroads 425 3rd Street, SW Washington, D.C. 20024

Re: No. 17-530, Wisconsin Central v. United States

Dear Mr. Saphire:

This is to confirm that petitioners in the above-captioned matter hereby consent to your filing an amicus brief on behalf of the Association of American Railroads.

Singerely,

Thomas H. Dupree, Jr.



## U.S. Department of Justice

## Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

February 15, 2018

Daniel Saphire, Esq. Association of American Railroads 425 Third St., S.W. Washington, D.C. 20024

Re: Wisconsin Central Ltd., et al. v. United States, S. Ct. No. 17-530

Dear Mr. Saphire:

As requested in your letter dated January 31, 2018, I hereby consent to the filing of an <u>amicus curiae</u> brief on behalf of the Association of American Railroads (AAR).

Very truly yours,

NOEL J. FRANCISCO

Solicitor General