

LEGAL NOTICE FROM THE U.S. COURT OF FEDERAL CLAIMS

If on August 12, 2009, you had an ownership interest in land constituting part of the railroad corridor or right-of-way formerly operated by CSX Transportation, Inc. in McMinn County, Tennessee between Athens and Englewood, you may be eligible to join a class action.

1. What is this lawsuit about?

On January 31, 2014, the Named Plaintiffs filed their Complaint against the United States in the United States Court of Federal Claims for themselves and on behalf of a proposed group or "class" of similarly situated property owners. The lawsuit alleges that the Surface Transportation Board ("STB") issued a Notice of Interim Trail Use ("NITU") concerning the Railroad Line that authorized the railroad company previously operating the rail line (CSXT) to enter into a "railbanking" agreement with a third party to preserve the right-of-way for future rail use and to allow interim trail use of the right-of-way. The lawsuit alleges that the STB's issuance of the NITU interfered with property interest recognized under Tennessee law and, therefore, constitutes a taking of private property for public use pursuant to the Fifth Amendment to the United States Constitution. Defendant, the United States, denies that there has been a taking without just compensation.

2. Am I an eligible class member?

Eligible class members are those who, on August 12, 2009 owned an interest in land constituting part of the railroad corridor located between milepost OKW 327 at Englewood and milepost 333.4 in Athens, Tennessee.

Whether you are still the owner, or have sold the property some time after August 12, 2009 has no impact on your eligibility. However, you must have owned the property on August 12, 2009 to be considered eligible.

3. How can I join the Class Action?

To be considered eligible to join the Class Action, you must mail, fax, or e-mail a completed form by September 8, 2014 stating that on August 12, 2009, you, or the entity you represent owned an interest in land constituting part of the railroad corridor or right-of-way and that you wish to join the Class Action to have your claim pursued. If you do so and are otherwise eligible, Class Counsel will enter your appearance in the Class Action on or before September 18, 2014. Class Counsel (info below) will provide you with the form upon your request.

4. What happens if I do or don't decide to join the Class Action?

If you become a class member, the court will include in the class any member who requests inclusion, subject to review. Your interests will be represented by the Named Plaintiffs and Class Counsel, and a judgment in this case will be binding on you, meaning you could not pursue your own separate lawsuit using your own attorney.

If you choose not to join this Class Action, but instead wish to pursue your claim separately from the Class Action, you should discuss with your own attorney the fact that, if you do not file your own action with an appropriate federal court within six (6) years from August 12, 2009, your claim may be time-barred and dismissed.

5. How can I join the Class Action?

To be considered eligible to join the Class Action, you must enroll in the action. To enroll, you must e-mail, mail, fax, or hand deliver a completed Entry of Appearance form to Class Counsel. The Entry of Appearance form will be made available by contacting Class Counsel. By signing and submitting the Entry of Appearance form, you are representing that you, or the entity you represent (such as a trustee of a trust or as an offer of a corporation), owned land on August 12, 2009 (as described in 2. above), that adjoins or underlies the Railroad Line, and that you wish to join the Class Action to have your potential claim pursued.

If you choose to join this Class Action, your Entry of Appearance form must be received by Class Counsel in time for Class Counsel to file the Entry of Appearance, with the court, with an accompanying motion to add you as a class member to the Class Action, so you must e-mail, mail, fax or hand deliver your completed form on or before September 8, 2014.

6. Other Information

The Class Action does not challenge the propriety or the legitimacy of the present or future recreational trail, and thus does not seek to affect the use of the rail corridor as a public recreational trail. The Class Action seeks just compensation for an alleged taking. The only remedy available to class members if the Court concluded that a taking has occurred under the Fifth Amendment is a monetary judgment against the United States for just compensation of the property interest taken.

If the case is unsuccessful, you will have no obligation for attorneys' fees or costs.

If you wish to join this Class Action, please request Class Counsel to provide you the Entry of Appearance form, and then mail it (or e-mail it as an attachment) to the address provided at the bottom of the Entry of Appearance form, or fax it to the fax number provided, or you may hand deliver it to Class Counsel. If you wish to join this Class Action, you must ensure that the Class Counsel receives your Entry of Appearance form in time to file, at the Court, the Entry of Appearance form and a motion to add you as a class member to the class action, so your mailed form should be post-marked no later than September 8, 2014, or e-mailed, faxed, or hand delivered to Class Counsel by that date.

You can request a form to join the Class Action from Class Counsel. Their contact information is:

Arent Fox, LLP, 112 S. Hanley, Suite 200, St. Louis, MO 63105; 314-296-4000 (tel); 202-857-6395 (fax); Lindsay.brinton@arentfox.com (e-mail).