



(202) 692-5000

NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

September 19, 2025

VIA EMAIL

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Re: **Presidential Emergency Board No. 253**
Schedule and Ground Rules

Dear Parties:

This letter establishes the schedule and ground rules set by Presidential Emergency Board (PEB or Board) 253. The Board reserves the right to make any modifications it deems necessary.

Pre-Hearing Matters

The Board Chairman has offered to engage the parties in confidential pre-hearing mediation. Should they desire to do so, the Chairman will make himself available, with details to be provided at a later time.

Hearing Location and Schedule

The hearings will be held on October 5, 6, 7, and 8, 2025, at the National Mediation Board's Offices, 1301 K Street, NW, Suite 250 East, Washington, DC 20005.

Opening arguments will be presented on **October 5, 2025**. The opening argument for each side is limited to one hour. The Unions will present first. The start of the hearing on October 5, 2025, will be in the early afternoon, the precise time to be set closer to that date. At the conclusion of those opening arguments, the Unions may begin its case in chief. If it does not do so, then the Unions' case in chief will begin at 9:00 a.m. on October 6, 2025. (All times refer to EDT.)

The Board anticipates that lunch breaks will be one hour in duration and convenience breaks will last between 10-15 minutes.

The Unions will conclude their case-in-chief on October 6, 2025. They estimate being able to do so by mid-day. The Carrier will then present its direct case and continue until completed on October 7, 2025. Depending upon the time of day that the Carrier completes its case-in-chief, the Unions may begin rebuttal or may wait to do so until October 8, 2025 at 9:00 a.m.

Following the completion of the Union's rebuttal case, the Carrier will present any sur-rebuttal. The duration of the parties' respective rebuttal presentations will be determined by the Board at the close of the Carrier's direct case. Following the parties' rebuttal presentations, the Carrier and Unions will have the opportunity to present closing arguments limited to one hour each. If needed to allow the completion of the rebuttal cases and any closing statements, October 8, 2025 may be an extended hearing day.

If any of the parties' witnesses need to testify remotely during the hearing, notice to the other side and the Board at least one day in advance of the day on which the testimony is to be presented shall be provided, primarily for purposes of hearing equipment requirements and set-up.

The hearing room can accommodate a maximum of 40 or so people.

Submissions, Exchanges, and Deadlines

By **4:00 PM ET** on **October 1, 2025**, the parties will submit to the Board and exchange with each other all written submissions, exhibits (including expert reports) and witness lists. Witness lists may be modified with written notice to the other side and the Board. The exchange between the parties may be made by electronic means. All submissions to Board Chairman Jaffe, Member Moreland, Member Pontolillo, and Board Counsel Gross and Yoder, will be by electronic means. In addition, hard copies of submissions, exchanges and exhibits should be provided to Members Moreland and Pontolillo at the hearing location, by **1:00 PM ET** on **October 5, 2025**. All submissions and exchanges should also be provided to Counsel to the Board by electronic means for inclusion in the record of the Board's activities.

If the parties have developed or prepared written opening statements and/or witness testimony, including written testimony of any expert witnesses, the Board requests that copies of any such written opening statements and/or testimony be included in their pre-hearing submissions.

With respect to any Power Point slides or demonstrative materials to be used by

the parties at the hearing, the Board requests that those materials, to the extent possible, be included in their pre-hearing submissions. Copies of materials cited in the primary materials are also to be provided electronically. No copies of prior PEB Reports need be provided.¹ Materials available on-line may be provided simply by providing the appropriate link by which they may be viewed.

Any new or revised exhibits to be used at the hearing that were not provided as part of the pre-hearing submissions are to be submitted electronically to opposing Counsel and to the Board no later than 8:00 p.m. on the evening prior to the hearing day on which they will be used, with hard copies also provided on the day of use for Members Moreland and Pontolillo.

Electronic documents should be submitted in PDF, Word, or Excel format, and each document should have a descriptive filename. The documents should include Bates numbering, and they should identify Carrier documents with a "C" and Union documents with a "U". If an exhibit concerns a particular union (e.g., BLET), that exhibit should include that additional marking. Supplemental exhibits must be shared with the Board and with the other party no later than **8:00 PM ET** of the previous day.

Pre-hearing submissions are confidential and should not be shared with the press. Potential post-hearing briefs may be discussed at the hearing.

Other Ground Rules

The Board expects that the Carrier will have 10 to 15 attendees (including Counsel), and that the Unions (including Counsel) will have up to approximately 18 attendees. The Board will make efforts to allow for more attendees, but cannot guarantee additional space at this time.

The hearing will be closed to the press. However, the Board will allow a press opportunity prior to the start of the hearing, should either party desire one, with notice to the Board. In addition, a ban on any audio and/or visual recording of any aspect of the hearing proceedings (other than as directed by the Board or required by the court reporter) will be strictly enforced. If the Board provides any streams of the hearing, recordings of those streams (including screen shots) are also prohibited. The Board expects all hearing attendees and observers to comply with these restrictions. Counsel are to advise no later than October 1, 2025 at noon ET if they wish to have the hearings streamed for transmission to one or more locations in New York. Upon receipt of any such request, the Board will advise as to whether the request will be granted and of any

¹ Copies of previous PEB reports are currently available on the NMB's website at https://nmb.gov/NMB_Application/index.php/list-of-presidential-emergency-board/. Copies of previous PEB reports are also available at the NMB's Knowledge Store at <https://knowledgestore.nmb.gov/ES/>.

conditions placed upon such remote streaming of the proceedings.

Transcripts will be available from the court reporter. The turnaround time for transcripts has not yet been established. 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. We will forward the court reporter information as soon as it is available.

Traditional PEB procedures will govern the presentation of evidence and argument at the hearings. Witnesses may testify narratively. There will be no cross examination. There may be examination of witnesses, however, by the Board. All exhibits and accompanying testimony will be deemed admitted as part of the record, but the Parties remain free to argue concerning the relevance, materiality, weight, and persuasiveness of any of those exhibits and testimony.

All communications to the Board should be provided to the Chairman and Special Counsel, with copies provided to opposing Counsel.

Post-Hearing Matters

From the conclusion of the hearing on **October 8, 2025** through **October 10, 2025** or as otherwise directed by the Board, the Parties (their Counsel and principals) will be available to meet on an informal basis both individually and jointly with the Board, if in the judgment of the Board such meetings may be productive.

Conclusion

Please feel free to contact us should you have any questions.

Sincerely,



John S.F. Gross
Special Counsel, PEB 253



Andres Yoder
Special Counsel, PEB 253

Page 5
September 19, 2025

Copies to:

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