

BNSF RAILWAY COMPANY,

Petitioner.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

96th JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE CUSTODIAN OF RECORDS OF NETWORK 54 CORPORATION

1. Please state your full name, business address and occupation.

Name: _____ Occupation: _____

Address: _____

2. Does Network 54 Corporation host a website at Network 54.com?

Yes _____ No _____

3. Does Network 54 Corporation host a website upon which the attached articles appeared?

Yes _____ No _____

4. Does Network 54 Corporation know the identities, including names, addresses, telephone numbers, and internet addresses of the persons posting the articles (attached to the Order which accompanies this discovery request) on the Network54.com website? If so, please provide all identifying information (including name, address, telephone number, and internet address) for each person. In addition, please provide all documents (in written or electronic form) in your possession relating to these persons.

Yes _____ No _____

Name: _____ Internet Address: _____

Address: _____ Other Identifying Information: _____

Phone: _____

Name: _____ Internet Address: _____

Address: _____ Other Identifying Information: _____

Phone: _____

5. What is Network 54 Corporation's current version of the Terms of Service for postings to the Network54.com website? If the Terms of Service exist in written or electronic form, please produce a true and correct copy of same. Is this same document being produced?

Yes _____ No _____

6. What are Network 54 Corporation's policies with regard to "Member Conduct" and message content for the Network54.com website? If such policies exist in written or electronic form, please produce a true and correct copy of same.

Yes _____ No _____

7. Are you able to identify the records requested to be produced by these questions as the original or true and correct photostatic or electronic copies of the originals?

Yes _____ No _____

8. Were these records made and kept in the regular course of your business? (Business means any kind of regularly organized activity, whether conducted for profit or not.)

Yes _____ No _____

9. In the regular course of your business, did the person who prepared these records either have personal knowledge of the entries on these records or obtain the information to make such records from sources who have such personal knowledge?

Yes _____ No _____

10. Are these records under your care, supervision, direction, custody or subject to your control?

Yes _____ No _____

11. Were these records made at or near the time of the act, event or condition recorded on these records or reasonably soon thereafter?

Yes _____ No _____

12. Were these records made and kept as described above?

Yes _____ No _____

13. Please deliver all of such records as outlined above to the Officer taking your deposition for inspection and photocopying. (This will be at no expense to you, and the Officer will return the original of your records to you after they have been both inspected and copied.) Have you complied? Yes ___ No ___ If not, why not? Explain: _____

14. Please identify any documents you have deleted, destroyed, or failed to produce that contain any of the information requested by these requests. Please attach a list of any documents you have identified.

CUSTODIAN OF RECORDS
NETWORK 54 CORPORATION

SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this ___ day of July, 2007.

Notary Public in and for the State of California

My commission expires: _____

CAUSE NO. 96-224704-07

BNSF RAILWAY COMPANY,

Petitioner.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

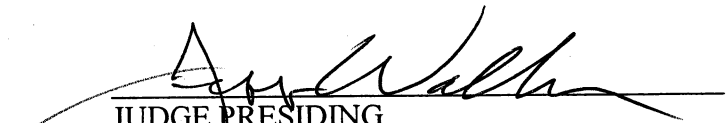
9th JUDICIAL DISTRICT

ORDER AUTHORIZING PETITIONER TO SEND SUBPOENA AND DEPOSITION UPON WRITTEN QUESTIONS

On this day, the Court considered the verified Petition to Investigate Claims (“Petition”) filed pursuant to Tex. R. Civ. P. 202. Having considered the Petition, and the facts stated therein, the Court is hereby of the opinion that Petitioner BNSF Railway Company (“BNSF”) is authorized to send a subpoena and deposition upon written questions to Network 54 to obtain identifying information (name, address, phone number, internet address) as to the person(s) posting the defamatory articles on the Network 54 message board that are attached to this Order. Accordingly, it is

ORDERED, ADJUDGED and DECREED that BNSF’s requests for an Order Authorizing Petitioner to send a Subpoena and Deposition upon Written Questions to Network 54 is hereby GRANTED.

SIGNED this 12th day of July, 2007.


JUDGE PRESIDING
(copy)

<<http://www.network...com/Forum/41973/>

Nation's 2nd Largest Railroad Poised To Reduce Train Crews

Tuesday June 19, 15:55 am CT

By Jeffrey Strain, Associated Press Writer

Ft. Worth, TX.-The nation's second largest railroad announced today that it is ready to run one-man trains. BNSF, based in Ft. Worth, TX. says that a newly ratified contract with the Brotherhood Of Locomotive Engineers & Trainmen gives them the authority to run some of their trains with just an engineer. "Only conductor's who were hired before October 31, 1985 will be able to remain on the train after July 1st," says Gus Melonas, BNSF spokesman. "We are not obligated to staff that position for anyone hired after that date", he added.

The conductor's union spokesman, Frank Wilner from the United Transportation Union only had this comment, "At this time we are looking into every legal option at our disposal. Obviously we disagree with BNSF's stance" Wilner, when asked if a nation wide strike is possible, only replied "that is one of the options we are looking at."

BNSF's subsidiary BNSF Railway Company operates the second-largest railroad network in North America, with about 32,000 route miles in 28 states and two Canadian provinces. The railway is among the world's top transporters of intermodal traffic, moves more grain than any other American railroad, transports the components of many of the products we depend on daily, and hauls enough low-sulfur coal to generate about ten percent of the electricity produced in the United States.

The United Transportation Union (UTU), headquartered in Cleveland, Ohio, represents about 38,000 active and retired railroad, bus and mass transit workers in the United States and Canada.

Sent: Thu Jun 28 13:35:17 2007
Subject: RE: United Underground

<http://www.network54.com/Forum/41973/>

WASHINGTON (AP) -- The Supreme Court on Thursday abandoned a 96-year-old ban on setting price floors in a case involving a labor union and railroads.

In a 5-4 decision, the court said that agreements on minimum prices are legal if they promote competition. The Brotherhood of Locomotive Engineers and Trainmen had brought the case to defend its right to establish lower wage rates in collaboration with railroad management.

The United Transportation Union opposed the agreement arguing it improper collusion between labor and management. But the conservative court sided with the BLET and management and said that if the railroads and its labor union of engineers want to collaborate to lower wage rates that it is lawful.

BLET President Don Hahs praised the decision as did BNSF Railway CEO Matt Rose.