

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

BURLINGTON NORTHERN AND SANTA FE  
RAILWAY CO.  
2500 Lou Menk Drive  
Fort Worth, Texas 76102

CONSOLIDATED RAIL CORP.  
2001 Market Street  
Philadelphia, Pennsylvania 19103

CSX TRANSPORTATION, INC.  
500 Water Street  
Jacksonville, Florida 32202

KANSAS CITY SOUTHERN RAILWAY CO.  
114 West 11<sup>th</sup> Street  
Kansas City, Missouri 64105-1804

NORFOLK SOUTHERN RAILWAY CO.  
Three Commercial Place  
Norfolk, Virginia 23510-2191

UNION PACIFIC RAILROAD CO.  
1416 Dodge Street  
Omaha, Nebraska 68179

Plaintiffs,

v.

BROTHERHOOD OF LOCOMOTIVE  
ENGINEERS  
Standard Building  
1370 Ontario Street  
Cleveland, Ohio 44113-1701

Defendant.

Civil Action No. 01-C-7743  
Judge Joan B. Gottschall

**PRELIMINARY INJUNCTION**

**PRELIMINARY INJUNCTION**

This matter came to be heard upon a complaint, motion for preliminary injunction, and

supporting declarations and memorandum of points and authorities filed by plaintiffs Burlington Northern and Santa Fe Railway ("BSNF"), Consolidated Rail Corporation ("CRC"), CSX Transportation ("CSXT"), Kansas City Southern Railway ("KCS"), Norfolk Southern Railway ("NS"), and Union Pacific Railroad ("UP"), from which it appears that the defendant Brotherhood of Locomotive Engineers ("BLE") is threatening to commence a strike against the plaintiff railroads over disputes arising from the railroads' plans to use remote control technology in locomotive operation in their terminal operations in or around terminals and work assignments in connection therewith; that such disputes are minor disputes subject to mandatory arbitration under § 3 of the Railway Labor Act, 45 U.S.C. § 153 First(i); that strikes over such disputes are unlawful under § 3; and that such a strike will, unless enjoined, cause a shutdown of the plaintiffs' rail operations, with resulting immediate and irreparable harm to the plaintiffs, their shippers, commuters, and employees, and the public generally.

**IT IS THEREFORE ORDERED:**

1. That the defendant, its subordinate units, divisions, lodges, locals, officers, agents, employees, members, and all persons acting in concert or participation with any of them, is hereby enjoined from authorizing, encouraging, permitting, calling, engaging in, or continuing any strikes, work stoppages, picketing (other than for informational purposes), slowdowns, work-to-rule campaigns, or other self-help against the plaintiffs over any disputes concerning the plaintiffs' use or plans to use remote control technology in the operation of locomotives in their terminal operations in or around terminals, or work assignments in connection therewith, until a hearing is held and final judgment entered on the complaint herein.

2. That the defendant is hereby directed to make every reasonable effort to prevent and discourage its subordinate units, divisions, lodges, locals, officers, agents, employees, and

members, and all persons acting in concert or participation with any of them, from engaging in conduct enjoined by this injunction;

3. That defendant shall notify all of its subordinate units, divisions, lodges, locals, officers, agents, employees, and members having jurisdiction or working on any of the plaintiff railroads of the issuance, contents, and meaning of this injunction, and that failure to comply could result in the imposition by the Court of fines and/or imprisonment;

4. That this injunction is granted upon the condition that an undertaking in the sum of twenty-five thousand dollars (\$25,000), or cash in that amount, be filed within 72 hours from the time and date of this injunction to make good such damages not to exceed said sum as may be sustained by anyone who is found to be wrongfully enjoined; and

5. That for purposes of service of notice of this injunction, in addition to the methods of service of process provided by statute, notice may be given to defendant, its members, and all other persons by the posting of copies of this decree at the entrances of the plaintiffs' premises, which shall be considered prima facie evidence of notice and knowledge of this injunction to and by all persons who may commit, or attempt to commit, any act or acts in violation thereof at or near the premises of the plaintiffs. In addition, this injunction may be served by any person over the age of eighteen years selected for the purpose by the plaintiffs.

Dated: 11:15 o'clock a.m. on January 16, 2002

  
United States District Judge