

COURT OF COMMON PLEAS OF [REDACTED] COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

JOHN DOE

Plaintiff

v.

Roe Property Holdings LLC

Defendant

No. [REDACTED]

REVISED EXPERT REPORT OF MURRAY D. LEVIN, ESQUIRE

EXECUTIVE SUMMARY

In connection with my retention by Defendant Roe Property Holdings LLC, I reviewed the First Amended Complaint, historical deeds, parcel maps, subdivision materials, aerial imagery, correspondence, discovery responses, and related title materials concerning the reported access claims. I also conducted a July 9, 2026 site inspection of the Doe Parcel, the intervening railroad corridor, and relevant portions of the Roe Property Holdings LLC Parcel. The First Amended Complaint asserts Count I—Easement by Necessity (paragraphs 34–47) and, in the alternative, Count II—Easement by Prescription (paragraphs 48–57). Based upon the materials reviewed and the physical conditions personally observed, my principal opinions concerning those pleaded claims are:

- **Count I—Easement by Necessity.** The record does not establish unified fee ownership of the specific Doe and Roe lands immediately before an identified severance, a conveyance severing those lands from a unified fee tract, or necessity for access over Defendant's parcel at that time. The Roe Parcel is a multi-tract industrial assemblage that includes certain railroad-system source conveyances, but those transactions do not establish the parcel-specific common-owner severance alleged by Plaintiff.
- **Count II—Easement by Prescription.** The documentary and physical evidence reviewed does not demonstrate use openly inconsistent with the record owner's continuing control over the alleged route. The reported use occurred through fence openings and controlled industrial areas, and the materials do not identify forced entry, removal of barriers, refusal to comply with owner-imposed restrictions, or similar conduct openly adverse to owner control. I do not treat an express announcement of an easement claim as a legal prerequisite.
- **Railroad crossing affecting both counts.** The claimed route first traverses a separate intervening railroad property interest before reaching the Roe Parcel. I located no recorded express crossing instrument benefiting the Doe Parcel. A June 26, 2026 STB notice describes a proposed acquisition by Railroad Operator A; consummation has not been independently confirmed.
- **Alleged "Access Roadway" and present conditions.** The July 9, 2026 inspection did not disclose a continuous gravel roadway connecting the Doe Parcel to or through the Roe Parcel; gravel was localized at the tracks. Plaintiff's Exhibit 9 provides historical snapshots, but the copies reviewed do not by themselves define a surveyed continuous roadway across the Doe Parcel, railroad property, and Roe Parcel throughout the alleged historical-use period.
- **Practical effect of opening the gate.** Opening Defendant's gate would open only the fence; it would not create a railroad-crossing right or a continuous prepared route to Defendant's paved roadway system. The gate's presence, standing alone, does not establish its original purpose, an easement, or historical continuity of the claimed roadway.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
I. INTRODUCTION	3
II. ASSIGNMENT AND MATERIALS REVIEWED	4
III. SCOPE OF HISTORICAL TITLE AND PHYSICAL ACCESS REVIEW	5
IV. FACTUAL CONSIDERATIONS RELEVANT TO COUNT I—EASEMENT BY NECESSITY	5
V. HISTORICAL TITLE ANALYSIS	9
VI. CHARACTERISTICS OF THE REPORTED ACCESS	11
VII. RAILROAD CROSSING COMPONENT OF PLAINTIFF'S CLAIMED ACCESS ROUTE	12
VIII. JULY 9, 2026 SITE INSPECTION AND PHYSICAL CONDITIONS	14
IX. FACTUAL CONSIDERATIONS RELEVANT TO COUNT II—EASEMENT BY PRESCRIPTION	20
X. DETAILED OPINIONS	22
XI. CONCLUSION	24
XII. APPENDICES	26
Appendix 1 - Courses and Distances Comparison	27
Appendix 2 - 1912 Map of Relevant Area of [REDACTED TOWNSHIP]	28
Appendix 3 - Selected Deed Excerpts Relating to Defendant's Parcel Genealogy	29
Appendix 4 - Site Photographs of the Doe Parcel Entrance, Railroad Crossing, Fence Line, and Claimed Access Route	40
Appendix 5 - Annotated Current Tax Parcel Map	42
Appendix 6 - Doe Chain and Boundary-Description Materials	43
Appendix 6B - Separate Railroad-Corridor Conveyance	45
Appendix 7 - Aerial Context for [REDACTED ADDRESS]	47
Appendix 8 - Selected Parcel Genealogies and Source Branches	48
Appendix 9 - Surface Transportation Board Record Relating to [REDACTED TOWNSHIP] & Railroad Company C	49
Appendix 9B - 2026 STB Record and Official Federal Register Notice: Railroad Operator A	51
Appendix 10 - Additional Gate and Embankment Photographs	53
Appendix 11 - May 1, 1917 Railroad Company B-to- Industrial Company A Deed	54
Appendix 12 - Plaintiff's Exhibit 9 Historical Imagery Review	58
Schedule A - Principal Materials Reviewed	59

I. INTRODUCTION

I, Murray D. Levin, Esquire, have been retained by Defendant, Roe Property Holdings LLC, to evaluate historical title, parcel development, and access characteristics relating to the easement claims asserted by Plaintiff, John Doe, concerning property located along [REDACTED ROAD] in [REDACTED TOWNSHIP], [REDACTED] County, Pennsylvania.

My assignment included review and evaluation of historical conveyance materials, parcel development history, deed descriptions, subdivision activity, mapping materials, and reported and personally observed access characteristics relevant to Count I—Easement by Necessity and Count II—Easement by Prescription as pleaded in the First Amended Complaint.

The assignment also included a July 9, 2026 physical inspection of the Doe Parcel, the adjoining railroad corridor, and relevant portions of the Roe Property Holdings LLC Parcel, review of photographs taken during that inspection, and consideration of Plaintiff's discovery statement that he placed gravel over the railroad tracks. I also reviewed Plaintiff's handwritten chronology produced at Bates Nos. [REDACTED BATES]–[REDACTED BATES] and the June 26, 2026 Federal Register notice in Surface Transportation Board Docket No. [REDACTED DOCKET].

I am a licensed Pennsylvania attorney with extensive experience in Pennsylvania real estate law, title examination, settlement practice, conveyancing review, and the evaluation of recorded and unrecorded property interests affecting real estate.

I have been engaged in the practice of real estate law and title-related matters since being admitted to practice law in 1981. My professional experience over more than four decades has included representation and advisory work involving real estate transactions, title examination, conveyancing, settlement practice, easements, rights-of-way, and the evaluation of recorded and unrecorded property interests.

For more than twenty-five years, I also served as a licensed Pennsylvania title insurance agent and licensed New Jersey title insurance producer. During that period, I conducted, supervised, or participated in more than 13,000 residential and commercial real estate settlements and related title transactions through multiple title insurance and settlement entities operating in Pennsylvania and New Jersey.

My professional experience has included examination and analysis of:

- chains of title;
- historical deed sequences;
- metes-and-bounds descriptions;
- subdivision and parcel development histories;
- railroad, quarry, and industrial property conveyances;
- easements, rights-of-way, and access rights;
- recorded and unrecorded encumbrances; and
- disputes involving express, implied, and prescriptive easement claims.

Throughout my career, I routinely evaluated whether claimed easement rights were supported by the documentary title record, historical property development, physical access characteristics, and patterns of use reflected in the materials reviewed.

In connection with this assignment, I reviewed pleadings, historical deeds, parcel maps, subdivision plans, Recorder of Deeds records, tax parcel materials, aerial imagery, correspondence, and related historical title materials concerning the properties identified in the First Amended Complaint. My review included examination of conveyance materials dating back into the late nineteenth century involving railroad, quarry, manufacturing, and industrial properties located within the [REDACTED ROAD] area of [REDACTED TOWNSHIP]. I also reviewed Plaintiff's discovery responses, including his statement concerning the placement of gravel over the tracks, and photographs taken during the July 9, 2026 inspection.

The opinions expressed in this report are based upon the materials produced and reviewed to date, the physical conditions personally observed during the July 9, 2026 inspection, and my education, training, experience, and professional background in Pennsylvania real estate and title matters. The opinions

stated herein are expressed within a reasonable degree of professional certainty based upon the information presently available.

Scope and Legal Assumptions

I have been asked to evaluate the title, conveyancing, mapping, documentary, and physical-access evidence relevant to the factual premises of Count I and Count II. I do not offer an opinion instructing the Court on Pennsylvania law or determining the ultimate legal existence of an easement. My opinions concern the title and physical characteristics reflected in the materials reviewed, matters within my title and real-estate experience, and the application of those materials to the factual questions presented by the pleaded claims. I likewise do not offer opinions concerning the legal effect of the parties' pleadings under Pennsylvania Rule of Civil Procedure 1029, whether any allegation should be deemed admitted, the legal standard governing preliminary injunctive relief, irreparable harm, the legal status quo, the balance of harms, narrow tailoring of injunctive relief, or the public interest. Those matters are left to counsel and the Court.

II. ASSIGNMENT AND MATERIALS REVIEWED

I have reviewed the First Amended Complaint and its exhibits, including the allegations concerning the claimed "Access Roadway" and the allegations supporting Count I (paragraphs 34–47) and Count II (paragraphs 48–57); Defendant's Answer and New Matter; Plaintiff's July 22, 2026 Petition for Preliminary Injunctive Relief and supporting memorandum, including the filed exhibits and Plaintiff's Exhibit 9 photographs and Google Earth images; referenced deeds; county records; correspondence; emails; parcel-mapping materials; Plaintiff's discovery responses; photographs taken during my July 9, 2026 site inspection; Plaintiff's handwritten chronology produced at Bates Nos. [REDACTED BATES]–[REDACTED BATES]; and Surface Transportation Board Docket No. [REDACTED DOCKET].

On July 9, 2026, I physically inspected the Doe Parcel, the adjoining railroad corridor, and the relevant portions of the Roe Property Holdings LLC Parcel at [REDACTED ADDRESS], including the area Plaintiff identifies as the alleged "Access Roadway."

Property Identification

Property	Record owner / interest	Parcel / description	Primary source
Doe Parcel	John Doe	Tax Parcel [REDACTED PARCEL]; approximately [REDACTED] acres	Doe Deed, Deed Book [REDACTED], Page [REDACTED], Ex. A
Defendant Parcel	Roe Property Holdings LLC	Tax Parcel [REDACTED PARCEL]; approximately [REDACTED] acres	Roe Deed, Deed Book [REDACTED], Page [REDACTED], Ex. A
Railroad corridor	Separate intervening railroad property interest; current fee title not independently determined. STB Docket No. [REDACTED DOCKET] identifies Railroad Operator A d/b/a [REDACTED TOWNSHIP] & Railroad Company C as the proposed transferor and Railroad Operator A as the proposed acquiring carrier.	Existing railroad corridor containing the track between the parcels at the claimed route	Doe and Roe deed calls; STB Dockets [REDACTED DOCKET] and [REDACTED DOCKET] used only for entity, operation, and proposed-transfer information.

I received approximately 23,500 pages in discovery and reviewed the materials relevant to the opinions expressed in this report. The principal categories and instruments reviewed, considered, and relied upon are identified in Schedule A. The materials presently available do not include a complete historical title sequence establishing common ownership immediately before a claimed severance or a professional survey identifying every possible historical access route. The recorded deed images reproduced in Appendix 3 were obtained through a professional title searcher.

Although Plaintiff references a 1978 deed as the starting point of Defendant's chain of title, my review includes deeds dating to 1887. My assessment is that Plaintiff is referencing records available through [REDACTED] County's Recorder of Deeds Public Access System rather than the results of a title search extending 120 years or longer.

I was retained to evaluate the historical title, parcel development, and access characteristics reflected in the documentary materials reviewed and in the physical conditions personally observed at the site.

III. SCOPE OF HISTORICAL TITLE AND PHYSICAL ACCESS REVIEW

My review included examination of historical conveyances, railroad and industrial corridor deeds, subdivision plans, metes-and-bounds descriptions, parcel genealogy, historical mapping materials, aerial imagery, and reported and personally observed physical access characteristics in order to evaluate whether the record reflected the historical and physical conditions commonly associated with easements by necessity or prescriptive easement claims.

In conducting this analysis, I compared the historical conveyance sequence, parcel development history, subdivision activity, railroad corridor materials, reported historical access characteristics, and physical conditions observed during the site inspection to title and access patterns commonly associated with easement-by-necessity and prescriptive-easement claims.

In forming the opinions expressed in this report, I applied the same title examination and historical property analysis methods commonly utilized in the evaluation of easement claims, title disputes, boundary matters, and property-access controversies. This analysis included review of historical conveyance records, parcel genealogy, legal descriptions, subdivision history, mapping materials, aerial imagery, documentary evidence relating to the reported access route, and the physical site inspection and photographs. My opinions are based upon the materials reviewed, the conditions personally observed, and the application of accepted title examination and real estate analysis principles.

Methodology Applied

- 1. Identify the present parcels and compare their current record descriptions.**
- 2. Trace each parcel backward through recorded source deeds and corporate-successor conveyances.**
- 3. Compare grantors, grantees, legal descriptions, deed recitals, subdivision plans, and mapping references.**
- 4. Identify any conveyance that could constitute a common-owner severance relevant to the claimed easement by necessity.**
- 5. Compare the railroad right-of-way and property references with the Doe and Roe Property Holdings LLC boundary descriptions.**
- 6. Review historical mapping, aerial imagery, correspondence, and reported use for corroborative context.**
- 7. Inspect present physical conditions while expressly distinguishing present observations from conditions during the alleged historical-use period.**

IV. FACTUAL CONSIDERATIONS RELEVANT TO COUNT I— EASEMENT BY NECESSITY

A. Parcel Genealogy, Common Source, and Alleged Severance

Count I alleges that the Doe Parcel and the Roe Property Holdings LLC Parcel were held in the name of one entity before severance, that unity of title was severed by a conveyance, and that the claimed access was necessary at the time of severance and thereafter. (First Amended Complaint paragraphs 36–42.) I reviewed the historical title materials, conveyance records, mapping references, and parcel development history to evaluate the documentary premises of those allegations.

Based upon the materials reviewed to date, the Doe Parcel and the Roe Property Holdings LLC Parcel are presently traceable through distinct parcel-specific genealogies, although the Roe Parcel is a multi-tract industrial assemblage containing several historical source branches, including certain railroad-system railroad conveyances. They are located within the same broader [REDACTED ROAD] industrial and railroad corridor, but the deed descriptions and present mapping identify an intervening railroad property interest at the location of the claimed route.

I reviewed historical mapping materials, including the 1912 [REDACTED TOWNSHIP] area map attached as Appendix 2, because they provide historical context concerning the longstanding industrial, railroad, and transportation-oriented character of the [REDACTED ROAD] corridor area. In my opinion, the map reflects a historically interconnected industrial corridor containing multiple separately operated industrial tracts, railroad facilities, sidings, and transportation-related uses rather than a single unified residential or agricultural parcel later divided into isolated lots. This historical development pattern is consistent with the separate industrial and railroad ownership histories reflected in the documentary materials reviewed.

The historical title materials relating to the Roe Property Holdings LLC Parcel reflect a chain of conveyances involving industrial and manufacturing ownership associated with:

- John Doe Senior & Industrial Company C;
- Industrial Company A;
- Industrial Company B;
- Industrial Company E;
- Industrial Company E;
- Industrial Company D Inc.;
- Industrial Company F; and
- subsequent successor entities.

The modern parcel configuration associated with the present Roe Property Holdings LLC Parcel is principally tied to the Surveyor A mapping and subdivision activity reflected in the 1978 Industrial Company B conveyance and the later 1992–1993 Industrial Company D subdivision materials.

By contrast, the Doe Parcel derives principally from former Railroad Company B railroad property.

The 1983 deed to John Doe and Maria A. Doe states that the conveyed tract constituted “a portion of the same premises” acquired by Railroad Company B pursuant to the 1980 conveyance from the Trustees of the Railroad Company B during the railroad reorganization proceedings. (Doe Deed, Deed Book [REDACTED], Page [REDACTED].)

The 1980 conveyance materials reviewed include references to railroad branch properties, railroad rights-of-way, track centerlines, and railroad-related corridor descriptions. The later 1983 Doe deed similarly describes a railroad-adjacent tract defined by references to the [REDACTED BRANCH] right-of-way and measurements tied to the southbound rail line alignment.

Based upon the documentary materials reviewed to date, the Doe Parcel is specifically documented through a railroad-derived parcel genealogy tied to the 1980 Railroad Company B materials and the 1983 Railroad Company B-to-Doe deed. The present Roe Parcel is documented through an industrial assemblage and parcel genealogy involving multiple source branches and later Industrial Company A, Industrial Company E, Industrial Company D, Industrial Company F, 900 Industrial Company F, and Roe ownership. Certain Roe source instruments involve Railroad Company A or other railroad-system railroad entities. Those transactions do not, without parcel-specific title and survey evidence, establish that the

specific lands comprising the present Doe Parcel and the present Roe Parcel were held together in unified fee ownership immediately before an identified severance.

Accordingly, although the parcels are geographically close and historically associated with the same industrial and transportation corridor, the documentary materials establish distinct parcel-specific ownership and development histories at the points presently traceable. The mere appearance of a railroad-system entity in more than one historical source branch does not identify a conveyance in which the specific Doe land and specific Roe land were held together and then severed. At the claimed route, the parcels do not directly adjoin; a separate railroad corridor/property interest intervenes between them.

The historical materials reviewed further reflect that the larger [REDACTED ROAD] area underwent extensive railroad, quarry, manufacturing, and industrial development activity beginning in the late nineteenth century, involving multiple separately described tracts, railroad corridors, industrial assemblages, operational rights, and subsequent subdivision activity. Although portions of the broader corridor may historically have formed part of common or related holdings at remote points in time, the documentary materials reviewed do not establish unified fee ownership of the specific Doe Parcel land and the present Roe Property Holdings LLC Parcel land immediately preceding any identified severance event.

A simplified ownership succession and parcel genealogy chart is attached as Appendix 8. The chart is intended to illustrate the separate historical ownership progression reflected in the documentary materials reviewed to date, including the distinction between the railroad-derived Doe Parcel chain and the industrial/commercial ownership chain associated with the present Roe Property Holdings LLC Parcel.

The relative locations and present parcel configurations of the properties are further illustrated on the annotated tax parcel map attached as Appendix 5.

The later industrial conveyance chain culminating in the conveyance to Roe Property Holdings LLC does not identify the 1891 Doe-to-Railroad Company A deed as a source conveyance for the present parcel.

B. Comparison of Legal Description Chains

Appendix 6 permits direct comparison between the legal-description materials associated with the Doe parcel genealogy and the legal descriptions associated with the Defendant Parcel genealogy. Based upon my review of those materials and the documentary record reviewed to date, the descriptions reflected in the Doe conveyances do not appear to overlap with the metes-and-bounds descriptions carried forward through the industrial assemblage associated with the present Roe Property Holdings LLC Parcel. The Doe conveyance materials principally reference former railroad-corridor property and railroad-related boundary descriptions, while the Defendant Parcel descriptions derive from the industrial assemblage and later subdivision history reflected in the Industrial Company A, Industrial Company E, Industrial Company D, Industrial Company F, and successor conveyances. This comparison does not assume that no remote common owner could ever have existed; it addresses whether the specific present parcel lands are shown in unified fee ownership immediately before an identified severance.

C. Recorded Boundary References to the Intervening Railroad Corridor

The current Roe deed's Exhibit A states that part of the Roe boundary runs to a corner of lands of the [REDACTED TOWNSHIP] Railroad Company C and then "along lands of [REDACTED TOWNSHIP] Railroad Company C" for two courses. The 1983 Doe deed's Exhibit A begins on the westerly line of the [REDACTED BRANCH] right-of-way at a point in the railroad property line and uses measurements tied to the southbound-track centerline. Read together, these independent descriptions identify a separate intervening railroad property interest between the Doe Parcel and the Roe Property Holdings LLC Parcel at the claimed route. (Roe Deed, Deed Book [REDACTED], Page [REDACTED], Ex. A; Doe Deed, Deed Book [REDACTED], Page [REDACTED], Ex. A.) The relevant deed pages are reproduced in Appendix 6.

D. Railroad Corridor References and Operational Rights

The documentary materials reviewed further reflect that certain conveyances referenced in Plaintiff's Complaint involve railroad operating rights, rail sidings, corridor access, and railroad-related reservations rather than unified fee ownership of the present parcels.

The May 1, 1917 Railroad Company B-to-Industrial Company A deed referenced in the Complaint concerns railroad-system railroad operating rights and quarry-siding access and is reproduced in Appendix 11. The instrument includes a reservation concerning the use and operation of locomotives and cars over railroad tracks as necessary to reach a private siding leading to quarry property. It also contains general language making the conveyance subject to existing restrictions and easements of record or visible on the ground. From a title-examination perspective, that general subject-to language does not itself identify the location, dimensions, dominant estate, beneficiary, purpose, duration, or permissible scope of the particular truck-access route now claimed by Plaintiff. I therefore do not treat the general clause, standing alone, as documentary identification of the alleged Access Roadway, while leaving the ultimate legal construction of the deed to the Court.

Based upon the materials reviewed to date, the existence of historical railroad corridor interactions, railroad-to-industrial source conveyances, or rail-related operating and access rights does not, by itself, establish common fee ownership of the specific Doe and Roe lands immediately preceding an alleged severance or identify the particular vehicular Access Roadway claimed in this litigation.

From a title-examination perspective, the historical materials reviewed do not presently identify a conveyance sequence establishing that the specific lands comprising the Doe Parcel and the Roe Property Holdings LLC Parcel existed as a unified fee-ownership tract immediately preceding any identified severance event. The broader historical record includes railroad-system railroad transactions among certain source components of the Roe assemblage, but those transactions do not establish that the specific Doe land and specific Roe land were held together immediately before a documented severance.

E. Specific Severance Transactions Considered

The materials reviewed do not identify a deed in which a single owner conveyed one of the two subject parcels while retaining the other. The principal transactions most directly bearing on that issue are summarized below.

Transaction considered	Ownership reflected immediately before transaction	Property conveyed	Title-record significance
1904 [REDACTED CITY] & Railroad Company A → John Doe Senior & Industrial Company C (Deed Book [REDACTED], Page [REDACTED])	A railroad-system railroad entity conveyed a source tract into the Doe Senior industrial branch; the specific [REDACTED]-acre Doe tract is not identified as property retained in this transaction.	A railroad-related source tract later carried into the industrial assemblage associated with Defendant's parcel.	Shows a railroad-system source conveyance within the later Roe assemblage, but does not identify the specific Doe and Roe lands as a unified tract severed by this deed.
1917 [REDACTED CITY] & Railroad Company A → Industrial Company A & Steel Co. (Deed Book [REDACTED], Page [REDACTED])	Railroad Company B conveyed railroad-related property and operating interests to Industrial Company A; the present Doe tract was not created until the later Railroad Company B reorganization materials and 1983 deed.	Railroad-related source component and operating/quarry-siding rights associated with Industrial Company A property.	Does not identify a conveyance severing the specific Doe Parcel from the specific Roe Parcel, and does not itself describe the truck Access Roadway now claimed.
1978 Industrial Company A Steel Co. → Industrial Company E	Doe source property remained in the Railroad Company B railroad chain; Defendant predecessor tracts were in the Industrial	Industrial tracts later associated with Defendant Parcel.	Does not show a common owner severing the Doe and Defendant Parcels.

	Company A industrial chain.		
1980 Trustees of Railroad Company B → Railroad Company B	Defendant predecessor property remained in the separate Industrial Company E industrial chain.	Railroad Company B railroad property, including the source premises later conveyed to the Does.	Does not convey or retain the Defendant Parcel as part of a common-owner severance.
1983 Railroad Company B → John and Jane Doe	Defendant predecessor property remained in the separate Industrial Company E chain.	The Doe Parcel.	Does not show the Doe Parcel severed from the Defendant Parcel under common ownership.

F. Conclusion Regarding Count I—Easement by Necessity

Based upon the documentary materials reviewed, I did not identify a conveyance sequence establishing unified fee ownership of the specific lands comprising the Doe Parcel and the Roe Property Holdings LLC Parcel immediately preceding any identified severance. I also did not identify a deed by which a common owner severed one of those specific parcels while retaining the other, or documentary evidence that access across the Roe Property Holdings LLC Parcel was the only available means of access at the time of an identified severance. The record instead reflects distinct documented parcel genealogies at the parcel-specific points presently traceable, a multi-tract industrial assemblage on the Roe side that includes certain railroad-system source conveyances, and a separate intervening railroad property interest at the claimed route.

V. HISTORICAL TITLE ANALYSIS

Appendix 3 contains selected recorded-title excerpts illustrating portions of the Defendant Parcel chain. The written chronology below identifies all principal transactions relied upon, including transactions not separately reproduced as demonstrative images.

Appendix 3 is included to illustrate the industrial ownership sequence associated with the Defendant Parcel. Complete recorded instruments and the written chronology control over the selected images.

A. Roe Property Holdings LLC Chain of Title

Separate railroad-corridor and Plaintiff-chain conveyances are discussed independently below and in Appendix 6; they are not presented as source deeds within the modern Roe Property Holdings LLC chain.

1/29/1887 — Tract 9: John Doe → Phila. & Industrial Company G — Early railroad/quarry industrial conveyance.

4/22/1899 — Tract 1: Doe Senior et al. → John Doe Senior & Industrial Company C — Industrial tract assemblage.

4/22/1899 — Tract 2: Doe Senior et al. → John Doe Senior & Industrial Company C — Continued tract consolidation.

4/22/1899 — Tract 3: Doe Senior et al. → John Doe Senior & Industrial Company C — Additional industrial acquisition.

5/25/1904 — Tract 5: Doe Senior & Industrial Company C → M. Doe Senior, Trustees — Trust restructuring of industrial holdings.

5/25/1904 — Tract 4: Trustees → Doe Senior & Industrial Company C — Reconveyance continuing tract ownership.

8/29/1904 — Railroad-related source tract: Railroad Company A → John Doe Senior & Industrial Company C, Deed Book [REDACTED], Page [REDACTED] — Railroad-to-industrial conveyance later carried into the Industrial Company A assemblage.

6/14/1906 — Lucretia L. Doe Senior, widow → John Doe Senior & Industrial Company C, Deed Book [REDACTED], Page [REDACTED] — Additional Doe Senior source tract.

11/27/1906 — Jesse L. Supplee and wife → John Doe Senior & Industrial Company C, Deed Book [REDACTED], Page [REDACTED] — Additional Doe Senior/Supplee source tract.

10/16/1911 (recorded 7/26/1919) — Merger and consolidation involving John Doe Senior & Industrial Company C and Industrial Company A, Deed Book [REDACTED], Page [REDACTED] — The Doe Senior lands vested in Industrial Company A.

1/11/1917 — Tract 9: Stone Quarry Co. → Industrial Company A & Steel Co. — References rail sidings, rights-of-way, and industrial access.

1/19/1917 — James Nally, Alice Nally, et al. → Industrial Company A, Deed Book [REDACTED], Page [REDACTED] — Additional industrial acquisition.

3/27/1917 — Charles E. Markland and wife → Industrial Company A, Deed Book [REDACTED], Page [REDACTED] — Additional industrial acquisition.

5/1/1917 — Railroad-related source tract: Railroad Company A → Industrial Company A, Deed Book [REDACTED], Page [REDACTED] — Railroad-related source component and operating/quarry-siding rights expressly addressed in Appendix 11.

2/27/1929 — Tract 13: Industrial Company A & Steel Co. → Industrial Company A Steel Co. — Transfer of industrial operations/property.

9/27/1978 — All tracts: Industrial Company A Steel Co. → Industrial Company E — Consolidated industrial tract conveyed.

12/31/1992 — All tracts: Industrial Company E → Industrial Company D Inc. — Establishes modern parcel description.

11/1/2010 — All tracts: Industrial Company D Inc. → Industrial Company F — Carries forward same legal description.

9/10/2019 — All tracts: Industrial Company F → 900 Industrial Company F — Continued industrial/commercial ownership.

12/20/2021 — All tracts: 900 Industrial Company F → Roe Property Holdings LLC — Current ownership conveyance.

B. Separate Railroad-Corridor Conveyance Reviewed for Historical Context

12/24/1891 (recorded 1/18/1892) — Jane Doe, surviving executrix/trustee under the will of John Doe, to The Railroad Company A Company. This deed was reviewed for regional railroad-corridor context and is not identified as a source deed in the present Roe Property Holdings LLC chain.

In evaluating the historical title characteristics relevant to Plaintiff's reported easement claims, I reviewed the historical development of the Roe Property Holdings LLC Parcel and its predecessor tracts, including historical conveyances, subdivision activity, industrial assemblage history, and the evolution of the Parcel's metes-and-bounds descriptions over time.

The documentary record reflects successive industrial assemblages, restructuring transactions, railroad-related conveyances, subdivision activity, and commercial redevelopment occurring over many decades within the [REDACTED ROAD] area of [REDACTED TOWNSHIP].

C. Early Industrial and Quarry Conveyances (1887–1917)

The earlier conveyances reviewed reflect quarry, railroad, and industrial property transfers associated with the development of the larger [REDACTED ROAD] industrial area.

Among the earlier conveyances identified is an 1887 deed involving property associated with the [REDACTED CITY] & Industrial Company G. Additional conveyances occurring in and around 1899 reflect industrial tract assemblage activity associated with John Doe Senior & Industrial Company C.

In 1904, restructuring conveyances involving John Doe Senior & Industrial Company C and related trustees reorganized portions of the industrial holdings while maintaining the properties as large industrial acreage tracts. The August 29, 1904 Railroad Company A-to-John Doe Senior & Industrial Company C deed, Deed Book [REDACTED], Page [REDACTED], is a separate railroad-related source conveyance later carried into the industrial assemblage. Its presence in the Roe genealogy is important to acknowledge; it does not, without parcel-specific correlation, establish that the later-created Doe tract and present Roe tract were a unified fee parcel immediately before severance.

On January 11, 1917, the [REDACTED CITY] & Industrial Company G conveyed an additional defined tract to Industrial Company A.

The deed references a survey prepared by Surveyor A and reflects one of the earlier identified industrial severance and reconfiguration events within the broader industrial area. The conveyance further reflects the existence of separately functioning industrial and railroad-related operational areas rather than a unified ownership pattern commonly associated with later implied access claims.

The conveyance involved a specifically surveyed tract containing approximately [REDACTED] acres and included retained transportation and operational rights associated with adjoining industrial properties.

D. Corporate Succession and Industrial Continuity (1929–1978)

In 1929, Industrial Company A transferred its [REDACTED] County property interests to Industrial Company B as part of a corporate and property succession transaction.

A major development in the Parcel's history occurred in 1978, when receivers for Industrial Company B conveyed property to Industrial Company E. That deed expressly references a survey and map prepared by Surveyor A, Registered Surveyors, dated July 19, 1978, and revised August 31, 1978. (Deed Book [REDACTED], Page [REDACTED].)

Based upon my review, the 1978 Surveyor A mapping represents the first modern parcelization of the larger industrial tract into the configuration substantially associated with the present [REDACTED ROAD] parcel.

The 1978 conveyance reflects:

- modern metes-and-bounds surveying and parcel identification practices; and
- transition from earlier industrial acreage holdings into formally surveyed and mapped commercial parcel configurations.

E. Modern Subdivision and Parcel Continuity (1992–Present)

Another significant subdivision-related event occurred in connection with the 1992–1993 conveyances involving Industrial Company E and Industrial Company D Inc.

Those conveyances specifically reference the “Industrial Company D Subdivision Plan” prepared by Surveyor A and recorded in Plan Book [REDACTED]. The subdivision materials reflect additional formal parcel restructuring and further development of the modern metes-and-bounds descriptions associated with the current parcel configuration. The conveyance materials expressly reference designated subdivision parcels reflected on the Industrial Company D Subdivision Plan. (Plan Book [REDACTED].)

Based upon my review of the deed descriptions and mapping materials, the metes-and-bounds descriptions reflected in the 1992–1993 subdivision materials were carried forward substantially unchanged through the subsequent conveyances involving:

- Industrial Company D Inc.;
- Industrial Company F;
- 900 Industrial Company F; and
- Roe Property Holdings LLC.

The historical title materials reflect a lengthy industrial and commercial development history involving multiple assemblages, restructuring events, subdivision plans, surveys, and remapping activities extending over many decades.

The continuity of those metes-and-bounds descriptions is further reflected in the courses-and-distances comparison attached as Appendix 1, which compares multiple deed calls and mapping references carried forward through the later industrial conveyance sequence associated with the Defendant Parcel.

VI. CHARACTERISTICS OF THE REPORTED ACCESS

I reviewed the allegations contained in the First Amended Complaint, together with the photographs, aerial imagery, correspondence, and related materials describing the reported historical access to the Doe Parcel. I also personally inspected the alleged route and surrounding physical conditions on July 9, 2026.

The Complaint alleges that Plaintiff historically accessed the Doe Parcel by traveling across portions of the Roe Property Holdings LLC Parcel through an area described as an “Access Roadway” located near the industrial and warehouse areas of the property.

Although Plaintiff characterizes the alleged route as a gravel “Access Roadway,” my inspection did not disclose a continuous gravel roadway extending from the Doe Parcel, across the railroad corridor, and through the Roe Property Holdings LLC Parcel.

The allegations and other materials reviewed further describe:

- alleged use of gravel roadway areas;
- truck access associated with business operations;
- access occurring through openings in chain-link fencing;
- industrial roadway usage patterns; and
- later restriction of access during or following redevelopment and demolition activity occurring in or about 2019–2020.

The reported historical access characteristics reflect alleged use occurring within a longstanding industrial and transportation-related area involving warehouse operations, railroad-adjacent property, fencing, and controlled access points.

The materials reviewed further reflect that portions of the reported access route involved maintained openings within fencing and access through controlled industrial areas located adjacent to warehouse and redevelopment activity.

I also reviewed materials indicating that access restrictions were allegedly imposed during redevelopment, demolition, fencing modifications, and related construction activity occurring in approximately the 2019–2020 timeframe.

The aerial imagery attached as Appendix 7 further illustrates the industrial character of the property and the physical relationship between the reported access route, warehouse areas, fencing locations, and surrounding parcels.

The historical access materials and the physical conditions personally observed during the July 9, 2026 inspection are discussed further in the sections below relating to Plaintiff’s reported easement claims.

Plaintiff’s Exhibit 9 Historical Imagery

I specifically reviewed the photographs and Google Earth images filed as Plaintiff’s Exhibit 9 and reproduced in the preliminary-injunction filing. Plaintiff offers those images as evidence of an historical Access Roadway and changing conditions over time. The copies provide useful historical and geographic context, including the relationship among industrial development, the railroad corridor, the [REDACTED RIVER], and areas near the claimed alignment.

The Exhibit 9 reproductions do not, however, consistently display legible imagery-acquisition dates, a common scale, surveyed parcel boundaries, or a surveyed overlay identifying the complete claimed route. Several images contain arrows or markings indicating areas of interest, but those annotations are not a boundary or route survey. The images may show cleared, disturbed, or traveled areas at particular points in time; they do not, by themselves, establish a single continuous vehicular corridor of defined location, width, and termini extending from the Doe Parcel, across the separate railroad property, through the Roe Parcel, and to [REDACTED ROAD] throughout the alleged historical-use period.

Appendix 12 summarizes what the Exhibit 9 image groups can and cannot establish from a title-and-physical-access perspective. I do not use those images to determine the ultimate legal existence of an easement.

Claimed Pre-2019 Physical Configuration

Plaintiff's memorandum characterizes the requested injunction as restoring the access arrangement that allegedly existed before the 2019–2020 redevelopment, demolition, fencing, and curbing work. My July 9, 2026 inspection establishes present conditions; it does not independently establish the precise route or complete physical configuration immediately before that work. Exhibit 9 provides historical snapshots but does not, in the copies reviewed, supply a surveyed and dated reconstruction of the complete route.

A more definitive reconstruction of the pre-2019 physical status would ordinarily require dated preconstruction surveys or existing-condition plans, demolition or grading plans, fencing and curbing plans, dated aerial or satellite imagery, construction-progress photographs, records identifying the date and purpose of gate installation, and testimony or business records identifying the precise path allegedly used by Plaintiff's vehicles. Without such materials, I can describe present conditions and the limitations of the historical imagery, but I do not offer a categorical opinion concerning every physical condition that existed before the 2019–2020 work.

VII. RAILROAD CROSSING COMPONENT OF PLAINTIFF'S CLAIMED ACCESS ROUTE

A. Overview

Plaintiff alleges that he historically accessed [REDACTED ROAD] by traveling from the Doe Parcel, across a railroad corridor immediately adjacent to the Doe Parcel, and then across portions of the Roe Parcel before reaching [REDACTED ROAD].

Based upon the materials reviewed, the railroad crossing is not incidental to the claimed route. It is the first indispensable segment of the route Plaintiff alleges he used. I located no recorded express crossing instrument benefiting the Doe Parcel, but I do not offer an opinion concerning any unrecorded claim Plaintiff might assert against the railroad owner.

B. Separate Intervening Railroad Property Interest

The deed descriptions, parcel mapping, and site inspection identify a distinct railroad corridor/property interest between the Doe Parcel and the Roe Parcel.

Surface Transportation Board records separately reflect the existence and operation of the [REDACTED TOWNSHIP] & Railroad Company C as a railroad entity operating an approximately eleven-mile rail line in [REDACTED] County, Pennsylvania. I use those records as evidence of the railroad entity and operation of the line, not as a complete fee-title opinion concerning every portion of the corridor. ([REDACTED DOCKET].)

The current Roe and Doe deed descriptions, rather than the Surface Transportation Board notice alone, are the principal basis for my conclusion that a separate railroad property interest intervenes between the parcels at the claimed route.

I have not performed a complete current title search of the railroad corridor and therefore do not identify the present fee owner of every portion of that corridor. My opinion is limited to the existence of a separate intervening railroad property interest not owned or controlled by Defendant.

C. 2026 STB Notice Concerning Proposed Acquisition and Operation

After completing the earlier railroad-history review, I reviewed Surface Transportation Board Docket No. [REDACTED DOCKET] and the notice published at 91 Federal Register 38,757 on June 26, 2026. The notice states that Railroad Operator A, a newly formed noncarrier subsidiary of Railroad Operator B Ventures, LLC, filed to acquire the approximately eleven-mile line from Railroad Operator A d/b/a [REDACTED TOWNSHIP] & Railroad Company C. The notice further states that Railroad Operator A

intends to provide rail service as needed, either itself or through a contract service provider, and expects to become a Class III carrier upon consummation.

The notice states that the earliest permissible consummation date was July 12, 2026. The notice itself does not establish that the transaction actually closed, that rail service has begun, that a contract operator has been selected, or that the particular segment adjoining the Doe Parcel will be used. I have not independently confirmed consummation or performed a complete current fee-title search of the corridor.

I use Docket No. [REDACTED DOCKET] only as evidence of the proposed acquisition and the acquiring entity's stated intention to preserve the line for rail service as needed. It does not alter my title opinion that a separate railroad property interest intervenes between the Doe and Roe Parcels, and it does not establish a crossing right benefiting the Doe Parcel.

D. Absence of a Produced Express Railroad-Crossing Instrument

Even assuming, solely for analysis, that Plaintiff established access rights across Defendant's property, the claimed route first requires passage across a separate railroad property interest. I located no recorded express railroad-crossing easement, crossing agreement, license, permit, or other produced instrument granting the Doe Parcel vehicular access across that property. Any unrecorded claim against the railroad owner would concern a separate owner and separate property interest and could not be created through any action of Defendant.

I have not been provided with, nor located in the materials reviewed, a recorded instrument granting railroad-crossing rights for the benefit of the Doe Parcel. The Surface Transportation Board materials are relevant only to the separate railroad entity and operation of the line.

From a title-examination perspective, a reported route of travel and a recorded express property right authorizing that route are different matters. The materials may reflect allegations of historical use, but they do not include a recorded express crossing grant benefiting the Doe Parcel.

E. Relevance to Plaintiff's Easement Claims

In my opinion, Plaintiff's alleged route cannot be analyzed solely as a claim affecting the Roe Parcel because the route necessarily traverses a separate intervening railroad property interest before reaching Defendant's property.

Whether Plaintiff can establish any right to cross the railroad corridor is a separate question involving a separate property interest and potentially a separate owner. I offer no ultimate opinion on an unrecorded claim against that railroad interest.

The existence and nature of any express or unrecorded railroad-crossing right must be addressed before the practical significance of Plaintiff's alleged use of the remainder of the route can be fully evaluated.

F. Conclusion Regarding Railroad Crossing Component

The railroad crossing is an indispensable segment of the route Plaintiff alleges he used. An evaluation of the route should therefore account for both the separate railroad property interest and the segment alleged across Defendant's parcel.

VIII. JULY 9, 2026 SITE INSPECTION AND PHYSICAL CONDITIONS

A. Purpose and Additional Materials

On Thursday, July 9, 2026, I conducted a site inspection of the Doe Parcel, the adjoining railroad corridor, and the relevant portions of the Roe Property Holdings LLC Parcel at [REDACTED ADDRESS] occupied by the Target facility. This section describes the physical conditions I personally observed and the photographs taken during the inspection. Mr. Doe stated in discovery that he placed gravel over the railroad tracks.

The inspection focused upon the alleged "Access Roadway" described in paragraphs 25, 27, and 53 of the First Amended Complaint, the railroad-track crossing associated with the alleged route, and the present physical relationship among the Doe Parcel, the railroad corridor, and the Roe Property Holdings

LLC Parcel. Additional materials considered include my site observations and photographs, Plaintiff's discovery responses, the cited portions of the First Amended Complaint, and the title, mapping, railroad-corridor, and crossing-related materials previously reviewed.

B. Physical Setting

The inspection disclosed three physically distinct areas: (1) an unimproved and substantially vegetated area associated with the Doe Parcel; (2) a separate intervening railroad property interest containing existing rails, ties, ballast, and related railroad infrastructure; and (3) the developed and secured Roe Property Holdings LLC Parcel occupied by the Target facility.

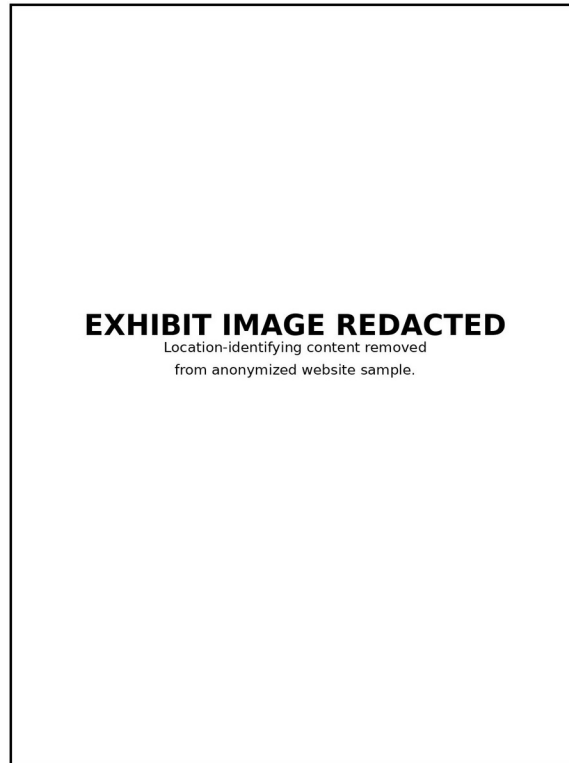


Figure 1. Unimproved and vegetated storage area associated with the Doe Parcel; no continuous gravel roadway is visible.

C. Absence of a Continuous Gravel Access Roadway

Paragraph 25 of the First Amended Complaint describes an “Access Roadway” allegedly extending through the Roe VI Parcel to the Doe Parcel. Paragraph 27 alleges that the roadway remains intact, and paragraph 53 states that gravel areas remain visible today. (First Amended Complaint ¶¶ 25, 27, 53.)

My inspection did not disclose a continuous gravel roadway connecting the Doe Parcel to or through the Roe Property Holdings LLC Parcel. The Doe-side approach consisted of dirt, mud, vegetation, and irregular ground. I observed no continuous gravel surface leading from the Doe Parcel to the railroad corridor. The entrance and storage area contained industrial materials, including a large pipe positioned across part of the entrance.

Gravel was present within and immediately adjacent to portions of the railroad track. At the apparent crossing location, gravel was concentrated between and beside the rails. The gravel did not continue as a defined roadway through the Doe Parcel or across the developed portion of the Roe Property Holdings LLC Parcel. The observed condition was a localized gravel-filled passage over the existing track, not a continuous gravel surface connecting the parcels.

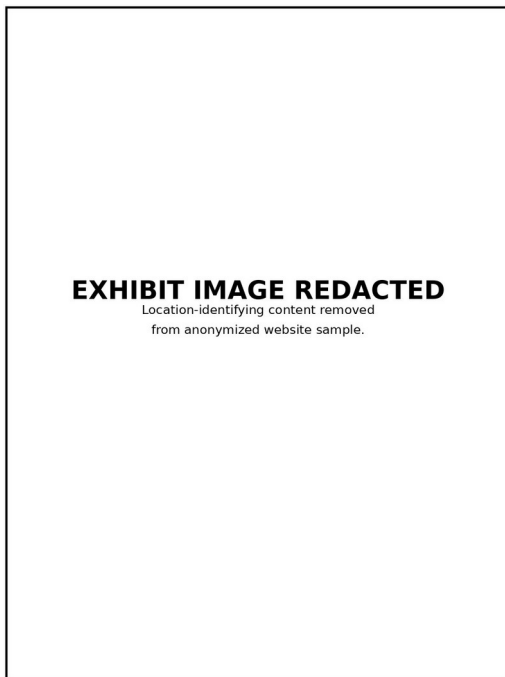


Figure 2. Mud-and-dirt entrance to the Doe Parcel, with a large pipe positioned across part of the entrance.

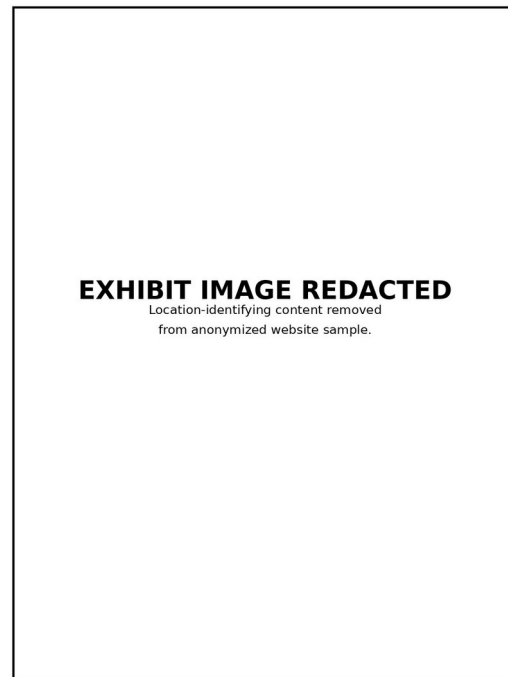


Figure 3. Dirt approach beside the existing railroad track; the photograph does not show a continuous maintained gravel road.

D. Railroad-Crossing Conditions and Placement of Gravel

The railroad track remains physically present and identifiable. The rails, ties, fasteners, ballast, and track alignment are visible. Vegetation is growing within and along portions of the track structure, but the railroad corridor has not physically disappeared.

At the apparent crossing location, gravel was present between and alongside the rails. I observed no crossing panels, pavement markings, crossbucks, warning devices, gates, or signage identifying the location as a private railroad crossing.

Mr. Doe stated in discovery that he placed gravel over the railroad tracks. His handwritten chronology further states that on January 24, 2020, he placed stone and gravel in the area approaching the railroad crossing and that on February 3, 2020, he placed two additional loads of stone at the approach to the crossing. The chronology records a February 6, 2020 communication stating, "Stop road work immediately." These entries identify Plaintiff's stated timing and source of the work. They do not establish authorization by the railroad owner, and the chronology does not establish that the person sending the February 6 communication represented the railroad owner.

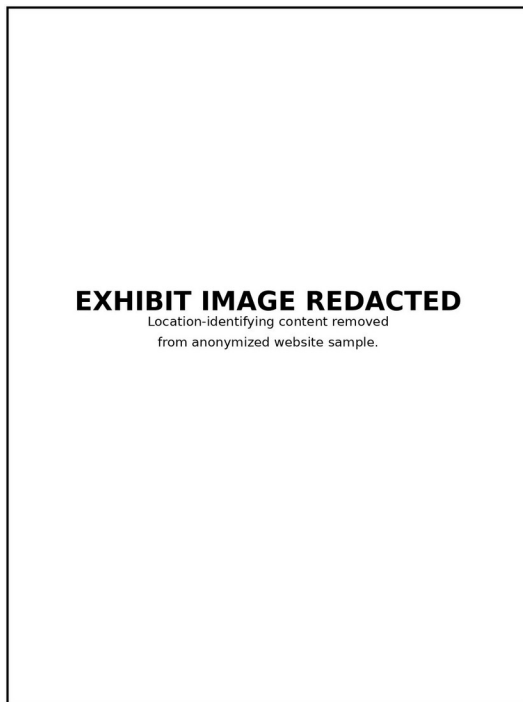


Figure 4. Existing rails and ties at the apparent crossing, with localized gravel between and beside the rails.

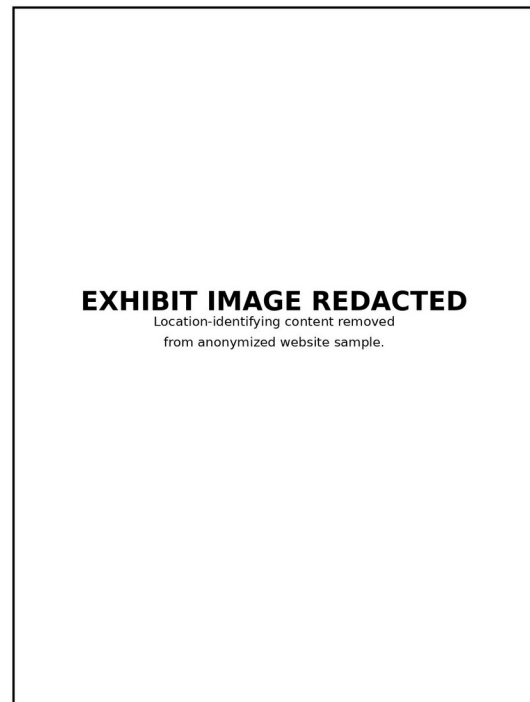


Figure 5. The railroad corridor remains physically identifiable; the gravel-filled area is localized rather than a continuous roadway.

E. Relationship to Defendant's Parcel and Crossing Rights

I located no recorded express railroad-crossing easement, crossing agreement, license, permit, or other produced instrument granting the Doe Parcel a right to cross the railroad property. Plaintiff's placement of gravel over the tracks does not itself create such an express right. I offer no opinion in this report concerning an unrecorded prescriptive claim against the railroad owner.

The inspection confirms that the alleged route necessarily encounters a separate intervening railroad property interest before reaching the Roe Property Holdings LLC Parcel. The apparent physical ability to pass over gravel around the rails is distinct from the existence of a legally established crossing right. Any unrecorded claim against the railroad owner would involve a separate property interest outside Defendant's ownership and control.

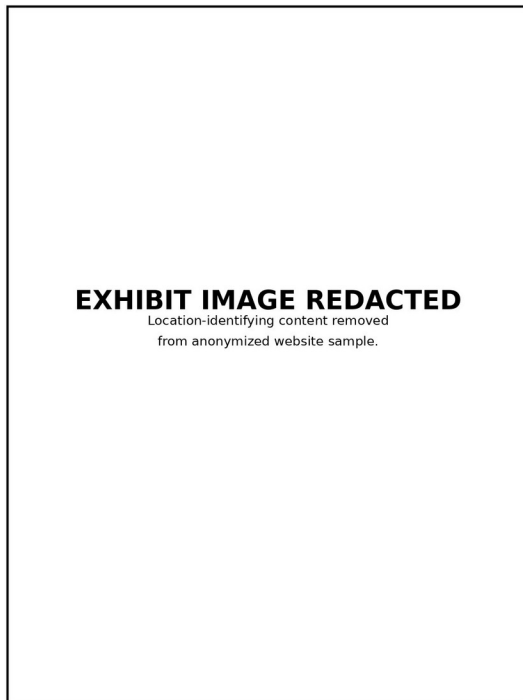


Figure 6. Continuous chain-link fencing separates the developed Roe Property Holdings LLC Parcel from the railroad corridor.

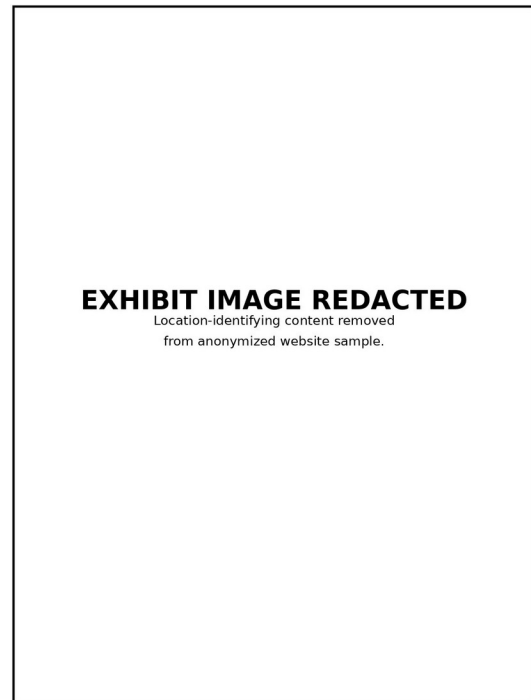


Figure 7. Existing rails, ballast, and a localized gravel pile viewed through fencing; no continuous roadway into Defendant's parcel is shown.

F. Present Conditions of the Roe Property Holdings LLC Parcel

The Roe Property Holdings LLC Parcel is presently developed and occupied as a Target sortation facility. The facility exhibits substantial access-control and security features, including continuous chain-link fencing, controlled gates, barrier arms, a security booth, stop and warning signage, surveillance cameras, paved internal drives, curbing, and maintained landscaped areas.

I observed no open or uncontrolled gravel roadway extending from the railroad corridor into the Target facility. I likewise observed no continuous gravel road connecting the apparent railroad-track crossing to the facility's internal paved road system. The present physical configuration reflects a secured commercial distribution facility with designated and controlled points of entry, rather than an open industrial tract containing an intact gravel roadway between the Doe Parcel and [REDACTED ROAD].

G. Gate, Embankment, and Practical Continuity of the Claimed Route

Opening the gate in Defendant's fence would address only the physical fence opening. It would not, by itself, create a continuous vehicular route from the Doe Parcel to [REDACTED ROAD]. The presence of the gate at or near the area identified by Plaintiff is a relevant physical circumstance, but the gate alone does not establish when or why the opening was created, who was intended to use it, whether it acknowledged an easement or other permanent property right, or whether a defined roadway historically extended through that point across all three property interests.

Before reaching Defendant's gate, the claimed route necessarily crosses the separate intervening railroad property discussed in Section VII. I located no recorded railroad-crossing easement, crossing agreement, license, permit, or other produced instrument granting the Doe Parcel a right to cross that property. The apparent frequency or infrequency of present railroad operations does not alter the existence of the separate railroad property interest or establish an access right benefiting the Doe Parcel.

After crossing the railroad tracks, a vehicle following the claimed route would encounter a substantial, grass-covered and ungraded embankment on the Roe Property Holdings LLC side. The gate does not open onto a defined driveway, graded ramp, gravel roadbed, established wheel path, or recognizable commercial truck route. I observed no continuous prepared vehicular surface connecting the railroad corridor, the gate, and Defendant's internal paved roadway system.

These observations concern the property's visible physical configuration on July 9, 2026. I do not offer an engineering opinion concerning the precise grade of the embankment, soil or load-bearing capacity, slope stability, roadway-design requirements, or whether a particular specialized vehicle could traverse the terrain. My opinion is narrower: in its observed condition, the area was not configured as an ordinary commercial truck-access roadway, and opening the gate alone would not create such a roadway.

H. Present-Condition Limitation

These observations describe conditions on July 9, 2026. They are directly relevant to Plaintiff's allegation that an intact roadway and visible gravel remain today, but they do not, standing alone, establish physical conditions throughout the entire historical-use period alleged by Plaintiff or immediately before the 2019–2020 redevelopment. I considered Plaintiff's Exhibit 9 historical imagery as a separate source of historical context, subject to the limitations described in Section VI and Appendix 12.

IX. FACTUAL CONSIDERATIONS RELEVANT TO COUNT II— EASEMENT BY PRESCRIPTION

A. Overview

Count II, pleaded in the alternative, alleges at least twenty-one years of vehicular use, consistent business use, use as the exercise of a property right, and use that was actual, visible, open, notorious, hostile, exclusive, and distinct. (First Amended Complaint paragraphs 49–52.) I reviewed whether the materials reflected the factual characteristics asserted in those allegations, including longstanding open use and evidence of an adverse or hostile assertion.

B. Characteristics of the Reported Use

Paragraph 53 of the First Amended Complaint further states that Plaintiff regularly drove work trucks across the alleged Access Roadway to enter the property and that “the gravel areas are still visible today.” These allegations were considered together with the correspondence, historical-use materials, physical controls, Plaintiff’s discovery responses, and the July 9, 2026 site observations.

In evaluating the reported use characteristics, I considered Pennsylvania authorities addressing prescriptive easement claims, including whether the documentary materials reflected openly adverse conduct, asserted claims of right, or use inconsistent with owner control.

Pennsylvania courts have distinguished between adverse use and permissive use in evaluating prescriptive easement claims. See *Keefer v. Jones*, 359 A.2d 735 (Pa. 1976).

Based upon the materials reviewed to date, the reported use does not demonstrate conduct openly inconsistent with the record owner’s continuing control. I do not treat the absence of a written claim, standing alone, as dispositive of a prescriptive-easement claim.

C. Duration, Continuity, and Definition of the Alleged Use

Plaintiff alleges vehicular use beginning in approximately 1982 and continuing for at least twenty-one years, and the injunction papers characterize the access as longstanding or continuous. I do not offer a credibility opinion concerning Plaintiff’s testimony or recollection of historical travel. From a documentary and physical-access perspective, however, the materials reviewed do not independently establish the location, width, frequency, surface, termini, and substantially unchanged course of a single defined vehicular route throughout an identified uninterrupted twenty-one-year period.

Plaintiff’s Exhibit 9 provides snapshots of conditions at different times, but the copies reviewed do not provide a surveyed route overlay or a complete dated sequence demonstrating that the same defined corridor crossed each of the three property interests throughout the alleged period. Evidence that vehicles traveled through the general area and evidence defining the precise location and continuity of the particular prescriptive corridor claimed are different factual questions.

D. Fence Openings and Owner Control

Plaintiff alleges that access occurred through an opening in a chain-link fence and that work trucks regularly crossed the access roadway.

The existence of a fence with a designated opening is a relevant physical circumstance. In the materials reviewed, access through fence openings and controlled industrial areas is consistent with retained owner control over the manner and location of access. The fence opening alone does not establish either permission or hostility.

Photographs attached as Appendix 4 further illustrate the Doe Parcel entrance, the unimproved and vegetated conditions within the parcel, the dirt approach to the railroad corridor, the localized gravel at the apparent track crossing, and the fencing separating the railroad corridor from the developed Roe Property Holdings LLC Parcel.

I also reviewed correspondence stating that Plaintiff “enjoyed decades of uninterrupted access” across the property. The materials I reviewed to date do not describe:

- forced entry;
- removal of barriers;

- refusal to comply with owner-imposed restrictions; or
- communications asserting a hostile property right.

E. Absence of a Documentary or Communicated Assertion of Right

The materials reviewed do not identify a written or communicated assertion during most of the alleged use period that Plaintiff was using the route under an easement claim adverse to the owner. I do not suggest that an express announcement is legally required; the point is limited to the evidentiary record reviewed.

There is no indication of:

- notice to the owner of an asserted easement;
- objection to the owner's control; or
- conduct placing the owner on notice of a hostile claim.

From a title-examination perspective, the absence of a documentary or communicated assertion is one factual consideration, together with the physical route, owner controls, correspondence, and other evidence concerning whether the use was openly inconsistent with owner control.

F. Industrial Context and Operational Access Practices

Defendant's parcel has historically been used for industrial purposes. The materials reviewed describe access through fence openings and controlled operational areas, but they do not identify forced entry, removal of barriers, refusal to comply with owner-imposed controls, or another documented act demonstrating that the use was being asserted against the owner's continuing control.

G. Threshold Nature of Railroad Crossing Rights

The claimed route necessarily traverses a separate intervening railroad property interest before reaching the Roe Parcel. The existence and nature of any railroad-crossing right therefore materially affect the route as a whole. This does not resolve an unrecorded claim against the railroad owner; it identifies an indispensable segment outside Defendant's ownership and control.

H. Timing of Interference and Owner Control

Plaintiff alleges that access was restricted in or about 2019–2020.

The materials reviewed do not reflect prior disputes, objections, or communications asserting a hostile claim during most of the reported use period. The materials reviewed indicate that access restrictions could be imposed by the property owner, which is a factor commonly considered when evaluating retained owner control.

I. Conclusion Regarding Count II—Easement by Prescription

Based upon the materials reviewed, I did not identify documentary or physical evidence demonstrating use openly inconsistent with the record owner's continuing control over the alleged route.

Specifically:

- The reported use occurred through fence openings and controlled industrial areas, circumstances consistent with continuing owner control.
- The materials reviewed do not identify a documentary or communicated assertion of an easement right during most of the alleged period, while recognizing that an express announcement is not itself a legal prerequisite.
- The materials reviewed do not independently define the location, width, frequency, surface, termini, and substantially unchanged course of a single vehicular corridor throughout an identified uninterrupted twenty-one-year period; the Exhibit 9 images provide historical snapshots but not a surveyed continuous-route chronology.
- Taken together, the materials reviewed do not demonstrate conduct openly inconsistent with the owner's continuing control.

X. DETAILED OPINIONS

Based upon my review of the pleadings, historical title materials, deeds, mapping materials, parcel development history, related documentary evidence, Plaintiff's discovery responses, my July 9, 2026 site inspection, the physical conditions personally observed, and the photographs taken during that inspection, I have reached the following opinions within a reasonable degree of professional certainty. They are organized to correspond to the two counts and the specific physical allegations in the First Amended Complaint.

A. Detailed Opinions Relating to Count I—Easement by Necessity

1. Count I alleges unity of title before severance. (First Amended Complaint paragraph 36.) The documentary record does not establish unified ownership immediately preceding any identified severance event involving the Doe Parcel and the Roe Property Holdings LLC Parcel.
2. The common-ownership premise alleged in Count I is not established by the conveyance sequence reviewed. From a title-examination perspective, common ownership immediately preceding severance is a significant historical consideration; the materials reviewed do not identify such a sequence between the Doe Parcel and the Roe Property Holdings LLC Parcel.
3. Count I alleges that unity of title was severed by conveyance of one tract. (First Amended Complaint paragraph 37.) The documentary materials reviewed do not identify a conveyance by which a single owner severed the Doe Parcel from the Roe Property Holdings LLC Parcel, or vice versa, from a unified fee ownership tract.
4. The Doe Parcel is documented through a railroad-derived parcel genealogy tied to the Railroad Company B reorganization materials and the 1983 Railroad Company B-to-Doe conveyance.
5. The Roe Property Holdings LLC Parcel is a multi-tract industrial assemblage and parcel genealogy involving quarry and Doe Senior source branches, Industrial Company A entities, Industrial Company E, Industrial Company D, Industrial Company F, and successor entities. Certain source conveyances involve Railroad Company A or other railroad-system railroad entities; their presence does not, without parcel-specific title and survey correlation, establish unified fee ownership of the specific Doe and Roe lands immediately before an identified severance.
6. The 1904 Railroad Company A-to-John Doe Senior & Industrial Company C deed and the 1917 Railroad Company A-to-Industrial Company A deed show railroad-system source transactions within the broader industrial history. Neither instrument, on the materials reviewed, identifies a conveyance severing the specific Doe Parcel from the specific Roe Parcel or identifies the later-claimed truck Access Roadway benefiting the Doe Parcel.
7. Count I further alleges that the claimed access was necessary at the time of severance. (First Amended Complaint paragraphs 38 and 41–42.) The materials reviewed do not identify documentary evidence that access across Defendant's parcel was the only available means of access at the time of any identified severance. The claimed route also necessarily traverses a separate intervening railroad property interest before reaching Defendant's parcel.
8. Because the materials supplied do not include a professional survey identifying every potential historical route, I do not opine that every alternative route has been eliminated. My opinion is limited to the title record: the materials reviewed do not identify a common-owner severance or documentary evidence that access over Defendant's parcel was the only available means at that time. I likewise do not state categorically that the Doe Parcel is or is not presently "landlocked" in the ultimate legal sense because I have not performed a comprehensive survey and surrounding-title analysis eliminating every potential route over every adjoining property.

Accordingly, the title record reviewed does not identify the common-owner severance and access configuration ordinarily examined in an easement-by-necessity analysis.

B. Detailed Opinions Relating to Count II—Easement by Prescription

1. Count II alleges use that was actual, visible, open, notorious, hostile, exclusive, and distinct. (First Amended Complaint paragraph 52.) The reported access through openings in chain-link fencing and controlled industrial areas is consistent with continuing owner control over the manner and location of access, while the fence opening alone does not establish permission or hostility.

2. Although Count II characterizes Plaintiff's use as the exercise of a property right (First Amended Complaint paragraph 51), the materials reviewed do not identify a documentary or communicated assertion of an easement right during most of the alleged period. I do not treat an express announcement as a legal prerequisite.
3. The materials reviewed do not describe forced entry, removal of barriers, refusal to comply with owner restrictions, or similar documented conduct openly inconsistent with owner control—facts relevant to the hostile or adverse-use characterization pleaded in Count II.
4. The materials reviewed do not independently establish the location, width, frequency, surface, termini, and substantially unchanged course of a single defined vehicular corridor throughout an identified uninterrupted twenty-one-year period. Plaintiff's Exhibit 9 provides historical snapshots but not a surveyed continuous-route chronology across the Doe Parcel, railroad property, and Roe Parcel.
5. Taken together, the materials reviewed do not establish use openly inconsistent with the record owner's continuing control.
6. Accordingly, the materials reviewed do not demonstrate use openly inconsistent with the record owner's continuing control over the alleged route.

C. Cross-Cutting Opinions Regarding the Railroad Crossing Affecting Both Counts

1. Plaintiff's alleged historical access route necessarily traverses a separate intervening railroad property interest before reaching the Roe Parcel.
2. The deed descriptions, mapping, and physical inspection identify the railroad corridor as a property interest distinct from both the Doe Parcel and the Roe Parcel.
3. The July 9, 2026 inspection physically confirmed that the railroad corridor remains a distinct and identifiable feature containing rails, ties, ballast, and related railroad infrastructure between the Doe Parcel and the developed Roe Parcel.
4. I located no recorded express railroad-crossing easement, crossing agreement, permit, license, or other produced instrument granting the Doe Parcel a right to cross the railroad property.
5. I offer no opinion concerning whether Plaintiff could establish an unrecorded prescriptive right against the railroad owner; any such claim would involve a separate property interest and owner and could not be created by Defendant.
6. The existence and nature of any express or unrecorded railroad-crossing right must be addressed before the practical significance of Plaintiff's alleged use of the remainder of the route can be fully evaluated.
7. Surface Transportation Board Docket No. [REDACTED DOCKET] describes a proposed acquisition of the line by Railroad Operator A and a stated intention to provide rail service as needed. The notice does not establish consummation, commencement of service, or anticipated use of the particular segment adjoining the Doe Parcel.

D. Opinions Addressing the Complaint's Alleged "Access Roadway"

1. The First Amended Complaint alleges that an "Access Roadway" crossed the Roe VI Parcel, remains intact, and includes gravel areas visible today. (Paragraphs 25, 27, and 53.) The July 9, 2026 inspection did not disclose a continuous gravel roadway connecting the Doe Parcel to or through the Roe Property Holdings LLC Parcel.
2. The Doe-side approach consisted largely of dirt, mud, vegetation, and irregular ground. I observed no continuous gravel surface leading from the Doe Parcel to the railroad corridor.
3. The gravel observed was localized within and immediately adjacent to the railroad track and did not continue as a defined roadway through the Doe Parcel or across the developed portion of the Roe Property Holdings LLC Parcel.
4. Mr. Doe's discovery statement identifies him as the source of the gravel over the railroad tracks. His handwritten chronology states that he placed stone and gravel in the area approaching the railroad

crossing on January 24, 2020, and placed two additional loads of stone at the approach on February 3, 2020. It also records a February 6, 2020 communication stating, “Stop road work immediately.” Those entries identify the stated timing of the work but do not establish authorization by the railroad owner, a recorded crossing grant, or a continuous roadway through Defendant’s parcel.

5. Plaintiff’s Exhibit 9 photographs and Google Earth images provide historical snapshots of the area but, in the copies reviewed, do not consistently supply legible acquisition dates, a common scale, surveyed parcel boundaries, or a surveyed overlay of the complete claimed route. They do not by themselves define a continuous roadway of fixed location, width, and termini across all three property interests throughout the alleged historical period.
6. The railroad track remains physically present and identifiable through visible rails, ties, fasteners, ballast, and track alignment.
7. I observed no crossing panels, pavement markings, crossbucks, warning devices, gates, or signage identifying the location as a private railroad crossing.
8. Continuous chain-link fencing separates the developed Roe Property Holdings LLC Parcel from the railroad corridor, and the Target facility is secured and accessed through controlled paved entrances.
9. I observed no continuous gravel roadway connecting the apparent railroad-track crossing to the Target facility’s internal paved access system. The present conditions are inconsistent with the allegation that an intact gravel “Access Roadway” currently extends across the Roe Property Holdings LLC Parcel.
10. These present-condition observations are directly relevant to Plaintiff’s allegations that the roadway remains intact and that gravel areas remain visible today, but they do not, standing alone, determine the physical conditions that existed throughout the entire alleged historical-use period or immediately before the 2019–2020 redevelopment.

E. Opinions Concerning the Practical Effect of Opening the Gate

1. Opening the gate would permit physical passage through the fence but would not create a recorded right to cross the intervening railroad property.
2. Opening the gate would not create a prepared railroad crossing, graded ramp, defined roadbed, or continuous vehicular surface connecting the railroad corridor to Defendant’s internal paved roadway system.
3. The physical conditions observed on July 9, 2026 do not reflect a continuous commercial truck route from the Doe Parcel, across the railroad property and embankment, and through the Roe Property Holdings LLC Parcel to [REDACTED ROAD].
4. The existence and location of the gate are relevant physical facts, but the gate alone does not establish its original purpose, intended users, recognition of an easement, or the historical existence of a continuous Access Roadway across the Doe Parcel, the intervening railroad property, and the Roe Parcel.
5. I offer no civil-engineering or vehicle-performance opinion regarding what construction, specialized equipment, or operational arrangements might make the terrain traversable.

XI. CONCLUSION

- **Count I—Easement by Necessity.** The documentary title record does not establish unified fee ownership of the specific Doe and Roe lands immediately preceding an identified severance, a conveyance severing those specific lands from a unified fee tract, or documentary evidence that access across Defendant’s parcel was the only available means at the time of an identified severance. The Roe Parcel is a multi-tract industrial assemblage that includes certain railroad-system source conveyances, but those transactions do not establish the parcel-specific common-owner severance alleged by Plaintiff.

- **Count II—Easement by Prescription.** The reported historical-access materials do not demonstrate use openly inconsistent with the record owner’s continuing control. The evidence reviewed reflects access through fence openings and controlled industrial areas without documented forced entry, removal of barriers, refusal to comply with owner restrictions, or similar openly adverse conduct. The materials also do not independently define a single route of fixed location, width, surface, and termini throughout an identified uninterrupted twenty-one-year period.
- **Railroad crossing affecting both counts. Plaintiff’s claimed route necessarily traverses a separate intervening railroad property interest before reaching the Roe Parcel.** I located no recorded express crossing instrument benefiting the Doe Parcel. The June 26, 2026 STB notice describes a proposed acquisition of the line by Railroad Operator A and service as needed, but does not establish consummation or use of the particular segment adjoining the Doe Parcel. I offer no opinion concerning an unrecorded claim against the railroad owner; any such claim concerns a separate property interest outside Defendant’s ownership and control.
- **Alleged present “Access Roadway” and historical imagery.** The July 9, 2026 inspection did not disclose a continuous gravel roadway connecting the Doe Parcel, the railroad corridor, and the Roe Property Holdings LLC Parcel. The gravel was localized within and immediately adjacent to the railroad tracks. Plaintiff’s written chronology identifies January 24 and February 3, 2020 as dates on which he placed stone or gravel at the railroad-crossing approach, but the materials reviewed do not establish authorization by the railroad owner. Plaintiff’s Exhibit 9 provides historical snapshots of the surrounding area but does not, in the copies reviewed, provide a surveyed and consistently dated demonstration of one continuous roadway across all three property interests throughout the alleged period.
- **Practical effect of opening the gate.** Opening the gate alone would not create the property rights or continuous prepared physical route necessary to connect the Doe Parcel to [REDACTED ROAD] through the claimed route. The gate’s presence does not, standing alone, establish its original purpose, intended beneficiary, recognition of an easement, or the historical continuity of the claimed roadway.

Within a reasonable degree of professional certainty, the factual, physical, and documentary materials reviewed do not establish the parcel-specific title and access premises asserted in Count I or use openly inconsistent with owner control as asserted in Count II. The materials also do not independently establish a surveyed continuous route of fixed location and scope throughout the alleged historical period. I leave the ultimate legal determination of Plaintiff’s easement and injunction claims to the Court. My opinions may be supplemented if additional deeds, surveys, historical mapping materials, dated preconstruction plans or imagery, discovery materials, or other relevant evidence become available.

Respectfully submitted,

Murray D. Levin, Esq.

Date of Original Report: July 26, 2026

Date of Revised Report: August 11, 2026

Date of Corrected Report: August 14, 2026

Date of Current Revised Report: September 7, 2026

XII. APPENDICES

The appendices contain selected mapping materials, title-document comparisons, deed excerpts, photographs, and railroad records cited in this report. They are demonstrative excerpts and do not replace the complete recorded instruments or produced materials.

- Appendix 1 - Courses and Distances Comparison
- Appendix 2 - 1912 Map of Relevant Area of [REDACTED TOWNSHIP]
- Appendix 3 - Selected Deed Excerpts Relating to Defendant's Parcel Genealogy
- Appendix 4 - Site Photographs of the Doe Parcel Entrance, Railroad Crossing, Fence Line, and Claimed Access Route
- Appendix 5 - Annotated Current Tax Parcel Map
- Appendix 6 - Doe Chain and Boundary-Description Materials
- Appendix 6B - Separate Railroad-Corridor Conveyance
- Appendix 7 - Aerial Context for [REDACTED ADDRESS]
- Appendix 8 - Selected Parcel Genealogies and Source Branches
- Appendix 9 - Surface Transportation Board Record Relating to [REDACTED TOWNSHIP] & Railroad Company C
- Appendix 9B - 2026 STB Record and Official Federal Register Notice: Railroad Operator A
- Appendix 10 - Additional Gate and Embankment Photographs
- Appendix 11 - May 1, 1917 Railroad Company B-to-Industrial Company A Deed
- Appendix 12 - Plaintiff's Exhibit 9 Historical Imagery Review
- [Schedule A - Principal Materials Reviewed, Considered, and Relied Upon](#)

APPENDIX 1 - Courses and Distances Comparison

Title-document comparison of selected calls carried through the Defendant parcel description.

Selected differences noted in prior mapping and deed comparisons. Any boundary significance should be confirmed by a licensed surveyor.

Call	Bearing	Distance	Comparison / Note
1	N. 76° 23' 53" E	126.93 ft	Current Defendant deed call
2	N. 8° 24' 23" E	256.89 ft	Current Defendant deed call
3	S. 81° 29' 20" E	257.00 ft	Current Defendant deed call
4	S. 81° 29' 20" E	347.42 ft	Current Defendant deed call
5	S. 39° 49' 20" E	196.83 ft	Current Defendant deed call
6	S. 87° 31' 20" E	71.04 ft	Current Defendant deed call
7	S. 2° 07' 30" W	1,026.00 ft	Current Defendant deed call
8	—	121.50 ft on map	Compared deed states 121.20 ft
9	S. 2° 10' 05" W	250.00 ft	Current Defendant deed call
10	S. 8° 12' 12" E	568.26 ft	Current Defendant deed call
11	N. 30° 24' 55" W	97.50 ft	Current Defendant deed call
12	N. 28° 54' 12" W	384.88 ft	Continuation of Defendant description
13	N. 7° 45' 45" E	56.10 ft	Continuation of same description
14	—	95.06 ft on map	Compared deed states 95.07 ft
15	—	293.54 ft approximate	1978 deed states 293.21 ft arc distance
16	—	54.22 / 54.37 ft	1978 deed states 54.09 ft

This appendix compares documentary calls only. It is not a boundary survey, does not establish monument locations, and should not be relied upon as a professional land-surveying opinion.

APPENDIX 2 - 1912 Map of Relevant Area of [REDACTED TOWNSHIP]

(See Industrial Company A reference just west of [REDACTED RIVER] in southeast portion of map.)

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APPENDIX 3 - Selected Deed Excerpts Relating to Defendant's Parcel Genealogy

The written chronology in Section V identifies the principal transactions reviewed. This demonstrative appendix reproduces selected pages whose visible transaction information corresponds to the cited title materials.

The 1904 Railroad Company A-to-Doe Senior source conveyance, the 1911 merger, the 1929 corporate-succession transaction, the 1978 conveyance, and other source instruments remain part of the analysis and Schedule A even where not separately reproduced here. The May 1, 1917 Railroad Company A-to-Industrial Company A deed is reproduced in Appendix 11. The 1891 Doe-to-Railroad Company A deed is reproduced with the separate railroad-corridor materials in Appendix 6B.

Source of deed images: recorded-title materials obtained through a professional title searcher. The complete recorded instruments, rather than these selected images, control.

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5/25/1904 - Tract 5 | Doe Senior & Industrial Company C to M. Doe Senior, Trustees

Deed recorded in Book 520 beginning at page 225; selected recorded page shown.

5/25/1904 Tract 5 Doe Senior & Industrial Company C → M. Doe Senior, Trustees BK [REDACTED] PG [REDACTED]

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1/11/1917 - Tract 9

[REDACTED CITY] & Industrial Company G to Industrial Company A

Deed Book [REDACTED], Page [REDACTED]

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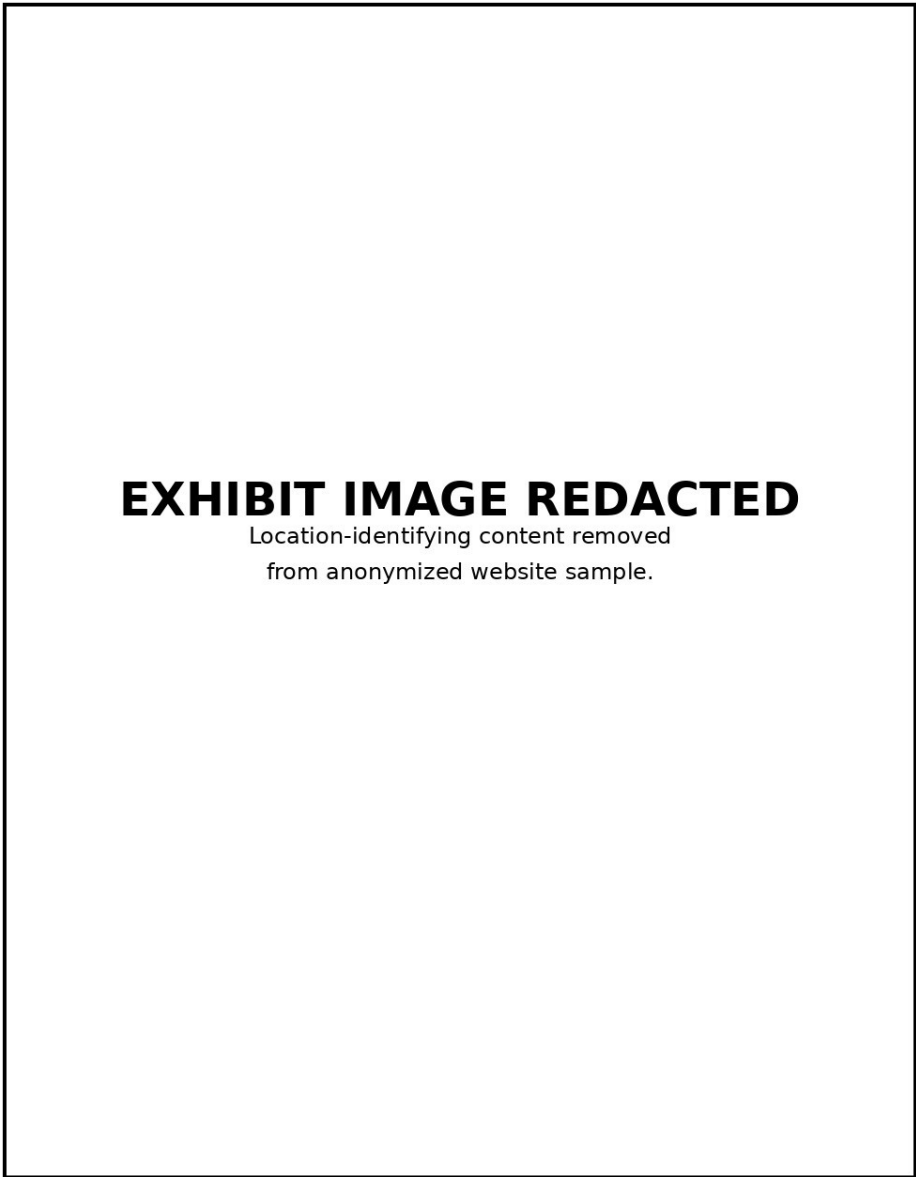


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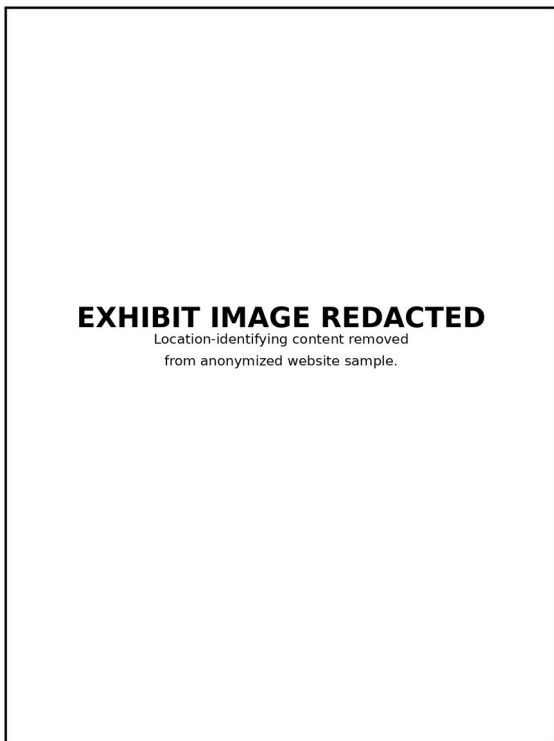
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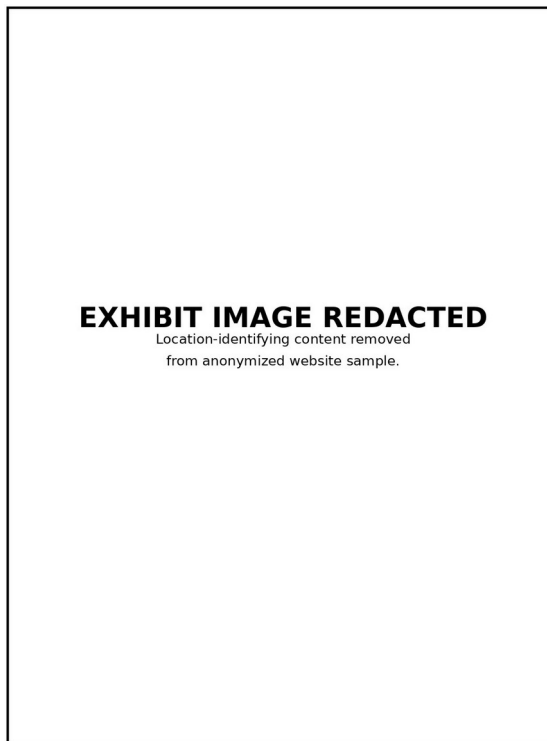
APPENDIX 4

Site Photographs of the Doe Parcel Entrance, Railroad Crossing, Fence Line, and Claimed Access Route

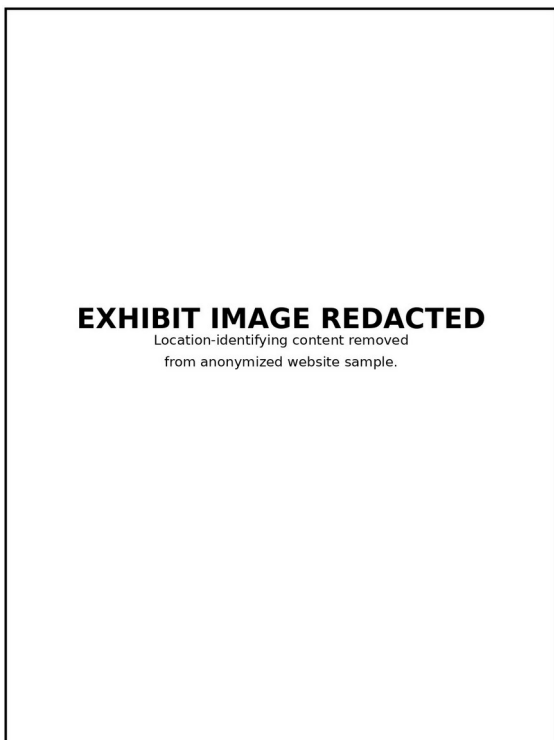
Photographs taken during the July 9, 2026 site inspection are arranged generally in the sequence of the claimed route from the Doe Parcel toward the Roe Property Holdings LLC Parcel.



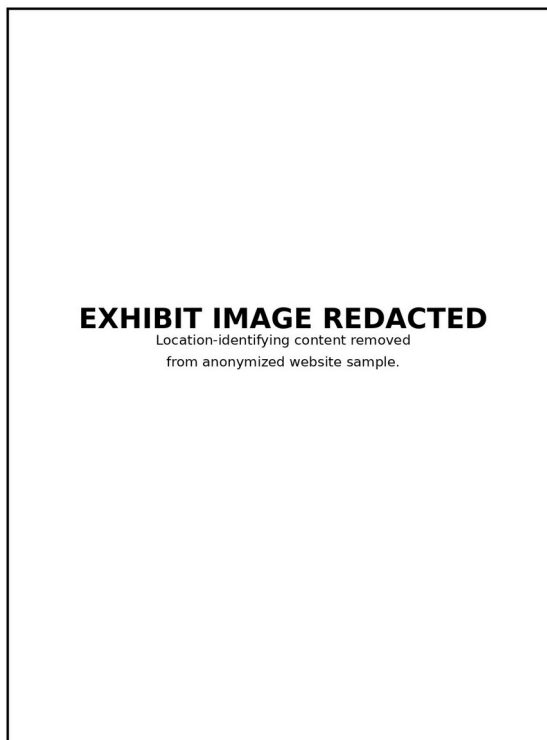
A4-1. Mud-and-dirt entrance to the Doe Parcel, with a large pipe positioned across part of the entrance.



A4-2. Unimproved and vegetated area associated with the Doe Parcel; no continuous gravel roadway is visible.



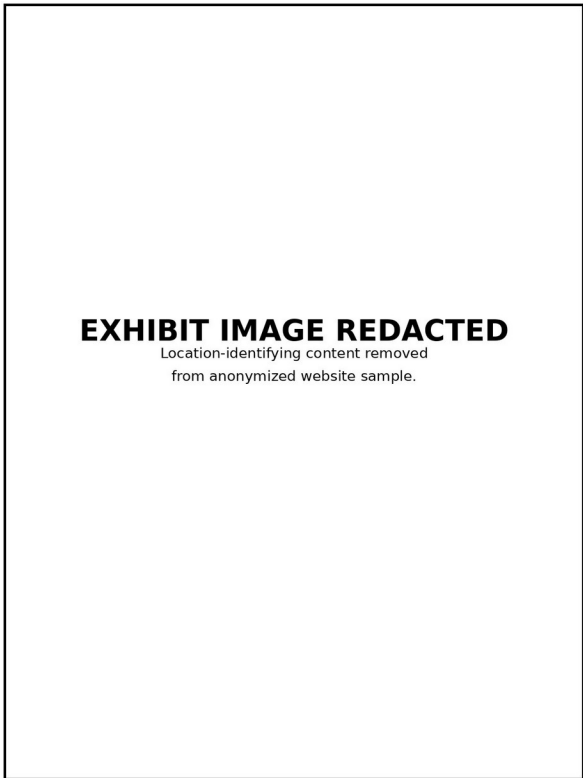
A4-3. Dirt approach beside the existing railroad track; no continuous maintained gravel road is shown.



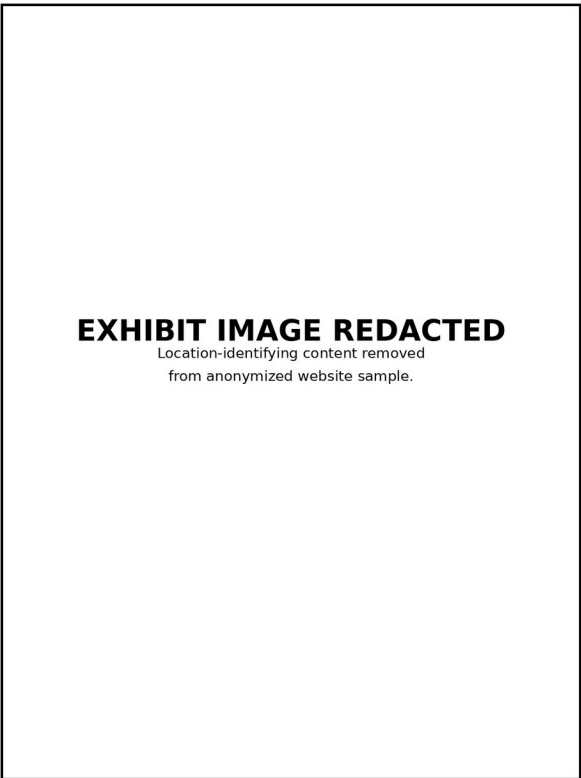
A4-4. Existing rails and ties at the apparent crossing, with localized gravel between and beside the rails.

APPENDIX 4 (continued)

The final views show the physical separation between the railroad corridor and the developed, secured Roe Property Holdings LLC Parcel, together with the broader alignment of the claimed route.



A4-5. Continuous chain-link fencing separates the developed Roe Property Holdings LLC Parcel from the railroad corridor.

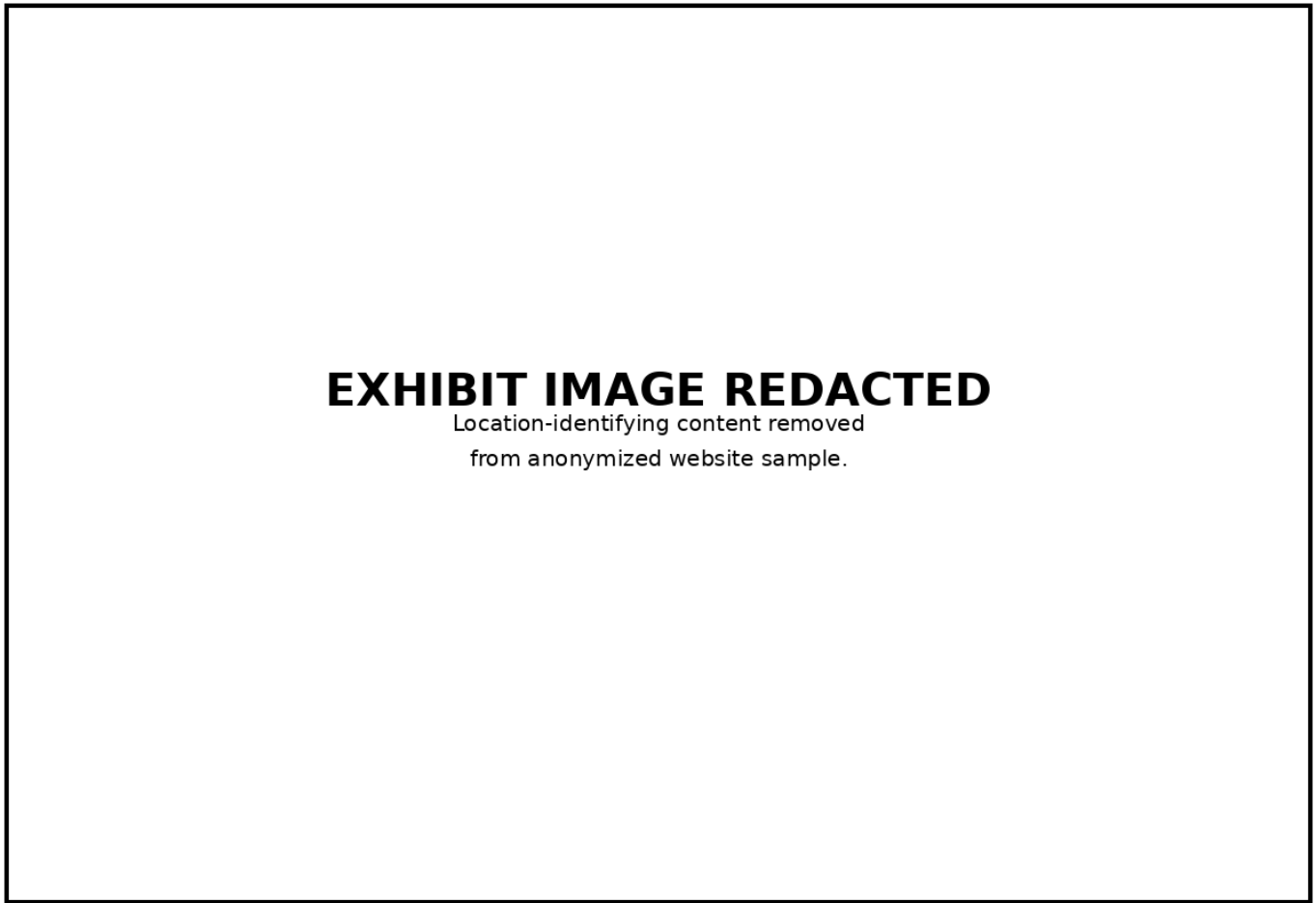


A4-6. The railroad corridor remains physically identifiable; the gravel-filled area is localized rather than a continuous roadway.

These photographs show an unimproved Doe-side entrance and approach, localized gravel at the existing railroad track, and a separately fenced developed parcel rather than a continuous maintained gravel roadway.

APPENDIX 5 - Annotated Current Tax Parcel Map

The map is included for orientation only and is not a boundary survey. Parcel boundaries and ownership conclusions are based on the recorded deed descriptions and title materials.



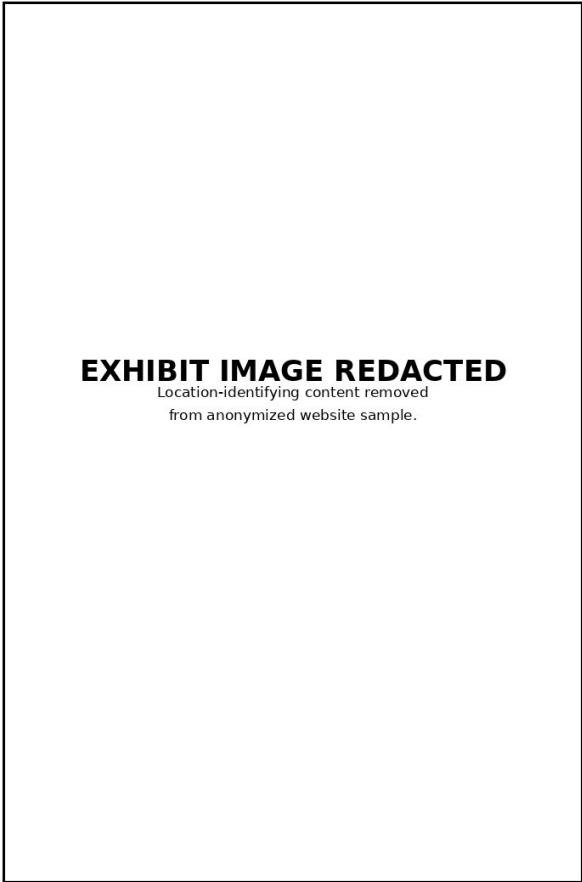
Source: [REDACTED] County property-records/GIS image reproduced in the title materials; accessed May 8, 2026. Not to scale.

The mapped configuration depicts the Roe Property Holdings LLC parcel and the Doe parcel as separated at the claimed route by a narrow railroad corridor/property interest. The precise legal boundaries are controlled by the deed descriptions, not this annotation.

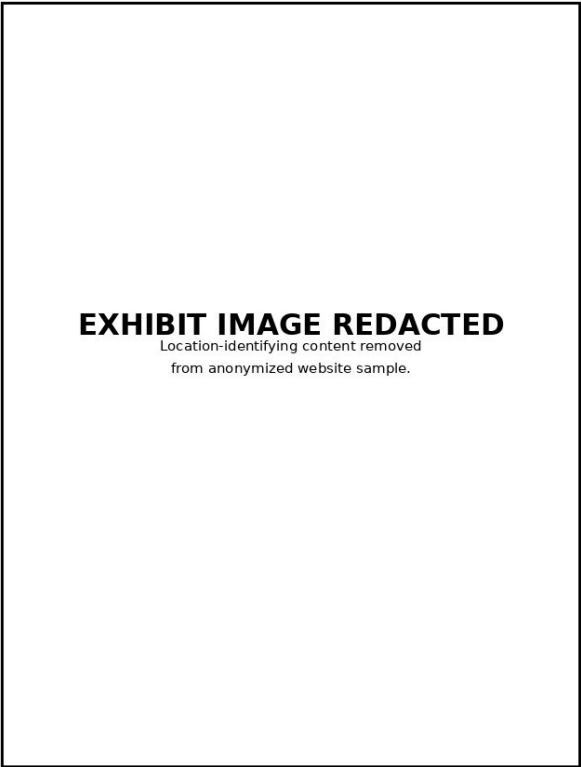
APPENDIX 6 - Doe Chain and Boundary-Description Materials

The documents below identify the 1980 Railroad Company B reorganization conveyance and the 1983 Railroad Company B conveyance to John and Jane Doe.

Deed BK [REDACTED] PG [REDACTED] Dated December 31, 1980



1980 conveyance to Railroad Company B



1983 Railroad Company B to the Does

The 1983 deed states that the conveyed tract was a portion of premises acquired by Railroad Company B through the 1980 conveyance.

APPENDIX 6 (continued) - Deed Calls Identifying the Railroad Corridor

The Doe and Roe descriptions independently identify railroad property at the claimed route.

Doe Exhibit A (Deed Book [REDACTED], Page [REDACTED])	Roe Exhibit A (Deed Book [REDACTED], Page [REDACTED])
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Doe Exhibit A begins on the westerly line of the [REDACTED BRANCH] right-of-way at a point in the railroad property line and uses offsets from the southbound track centerline.	Roe Exhibit A states that part of the boundary runs to a corner of lands of the [REDACTED TOWNSHIP] Railroad Company C and then along those lands for two courses.

APPENDIX 6B - Separate Railroad-Corridor Conveyance

1891 Doe-to-Railroad Company A deed reviewed for railroad-corridor context. This deed is not identified as a source deed in the present Roe Property Holdings LLC chain.

12/24/1891 (recorded 1/18/1892) Jane Doe, surviving executrix/trustee under the will of John Doe → The Railroad Company A
Company BK [REDACTED] PG [REDACTED]

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APPENDIX 7 - Aerial Context for [REDACTED ADDRESS]

This aerial image provides general geographic context only. It is not a survey and does not establish parcel boundaries or legal access rights.

Source: aerial image reproduced in the mapping materials; imagery date not supplied. North is approximately toward the upper right.

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The image shows the industrial and transportation setting along [REDACTED ROAD] and the [REDACTED RIVER].

The image provides general geographic context for [REDACTED ROAD], the [REDACTED RIVER], and the surrounding industrial and transportation corridor. It is not a survey and does not establish parcel boundaries, the precise claimed route, or legal access rights. Those matters are evaluated from the recorded deed descriptions, parcel mapping, and site observations.

APPENDIX 8 - Selected Parcel Genealogies and Source Branches

Simplified orientation chart; it does not substitute for the complete title records.

Roe Property Holdings LLC Parcel - Selected Source Branches	Doe Parcel - Documented Railroad-Derived Genealogy
1887-1906: quarry and Doe Senior source tracts, including the Aug. 29, 1904 [REDACTED CITY] & Railroad Company A → John Doe Senior & Industrial Company C deed (Deed Book [REDACTED], Page [REDACTED]).	1971-1980: Railroad Company B reorganization succession; 1980 Trustees → Railroad Company B deed (Deed Book [REDACTED], Page [REDACTED]), including Parcel 1665 materials.
1911-1929: Doe Senior lands vested in Industrial Company A; additional 1917 industrial and railroad-related source acquisitions, including May 1, 1917 [REDACTED CITY] & Railroad Company A → Industrial Company A (Deed Book [REDACTED], Page [REDACTED]).	July 14, 1983: Railroad Company B → John and Jane Doe (Deed Book [REDACTED], Page [REDACTED]), conveying the specifically described [REDACTED]-acre tract.
1978: Industrial Company A Steel receivers → Industrial Company E; Surveyor A survey and modern parcelization.	Later ownership: litigation/title materials identify John Doe as the present record owner; the instrument ending or transferring Maria A. Doe's interest was not among the deed materials reviewed.
1992-present: Industrial Company E → Industrial Company D → Industrial Company F → 900 Industrial Company F → Roe Property Holdings LLC.	The Doe deed and present Roe deed independently call to or along railroad property at the claimed route.
This simplified chart identifies the parcel-specific genealogies and source branches presently traceable in the reviewed record. The appearance of [REDACTED CITY] & Railroad Company B/railroad-system entities in both historical records does not, by itself, establish that the specific present Doe and Roe lands were held together in unified fee ownership immediately before an identified severance. Complete recorded instruments and parcel-specific survey correlation control.	

APPENDIX 9 - Surface Transportation Board Record Relating to [REDACTED TOWNSHIP] & Railroad Company C

Surface Transportation Board [REDACTED DOCKET], published in the Federal Register on January 10, 2002, documents acquisition and operation of the [REDACTED TOWNSHIP] & Railroad Company C line in [REDACTED] County, Pennsylvania.

The notice is used only as evidence of the railroad entity and operation of the line. It is not offered as a complete current fee-title opinion concerning every portion of the railroad corridor.

The deed descriptions reproduced in Appendix 6—not the STB notice alone—are the principal documentary basis for the opinion that a separate railroad property interest intervenes between the Doe and Roe parcels at the claimed route.

Relevant notice excerpt appears on the following page.

APPENDIX 9 (continued) - [REDACTED DOCKET]

Editable transcription of the January 10, 2002 Federal Register notice excerpt.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[[REDACTED DOCKET]]

[REDACTED TOWNSHIP] and Railroad Company C LLC—Acquisition and Operation Exemption—[REDACTED TOWNSHIP] and Railroad Company C

[REDACTED TOWNSHIP] and Railroad Company C LLC (Applicant), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from its corporate affiliate [REDACTED TOWNSHIP] and Railroad Company C (UMP)¹ and operate an 11-mile rail line in [REDACTED] County, PA.²

The transaction was expected to be consummated as of January 1, 2002. The earliest the transaction could have been consummated was December 26, 2001, the effective date of the exemption (7 days after the notice of exemption was filed).

This transaction is related to Bethlehem Steel Corporation—Corporate Family Transaction Exemption, [REDACTED DOCKET] (STB served Jan. 10, 2002), through which UMP is to be merged into Applicant. The separate existence of UMP will cease and Applicant will be the surviving entity and continue the operations formerly provided by UMP.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to [REDACTED DOCKET], must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Eric M. Hockey, Esq., Gollatz, Griffin & Ewing, P.C., [REDACTED ADDRESS], P.O. Box 796, West Chester, PA 19381-0796.

Board decisions and notices are available on the Board's Web site. Decided: January 2, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings. Vernon A. Williams, Secretary. [FR Doc. 02-541 Filed 1-9-02; 8:45 am] BILLING CODE 4915-00-P

¹ Both Applicant and UMP are wholly owned subsidiaries of Bethlehem Steel Corporation.

² Applicant states that the rail line is composed of yard and switching tracks and does not have assigned mileposts.

APPENDIX 9B - 2026 Surface Transportation Board Record and Official Federal Register Notice

Proposed Acquisition by Railroad Operator A

Surface Transportation Board Docket No. [REDACTED DOCKET]; Federal Register notice published June 26, 2026, 91 Fed. Reg. 38,757.

The notice identifies Railroad Operator A as a newly formed noncarrier subsidiary of Railroad Operator B Ventures, LLC and states that it filed to acquire an approximately eleven-mile rail line in [REDACTED PLACE], Pennsylvania, from Railroad Operator A d/b/a [REDACTED TOWNSHIP] & Railroad Company C.

According to the notice, the parties entered an agreement under which Railroad Operator A would acquire the line and "provide rail service as needed, either itself or through a contract service provider." The notice states that the transaction is connected with Railroad Operator B's acquisition of property associated with an idled Railroad Operator A steel plate finishing facility and that Railroad Operator A expects to become a Class III carrier upon consummation.

The notice states that the earliest date on which the transaction could be consummated was July 12, 2026. The notice does not itself establish that the transaction closed, that operations began, that a contract operator was retained, or that the segment adjoining the Doe Parcel will be used.

This record is used only as evidence of the proposed acquisition and the stated intention to preserve the line for rail service as needed. It is not offered as a complete fee-title opinion concerning the corridor, proof of consummation, or evidence of a crossing right benefiting the Doe Parcel.

Official citation: Railroad Operator A—Acquisition and Operation Exemption—Rail Line of Railroad Operator A d/b/a [REDACTED TOWNSHIP] & Railroad Company C, Docket No. [REDACTED DOCKET], 91 Fed. Reg. 38,757 (June 26, 2026).

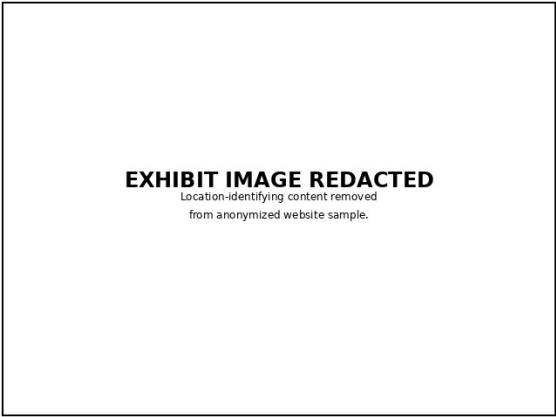
A full-page reproduction of the official Federal Register notice follows.

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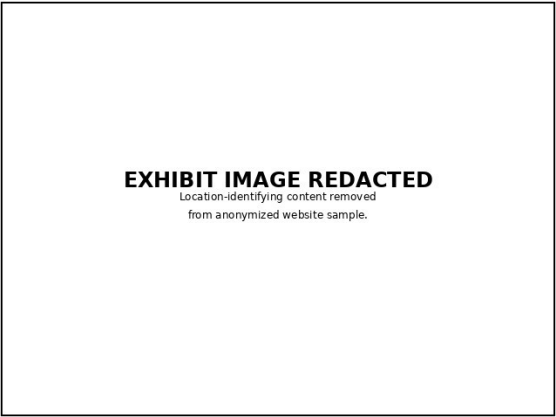
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APPENDIX 10 - Additional Gate and Embankment Photographs

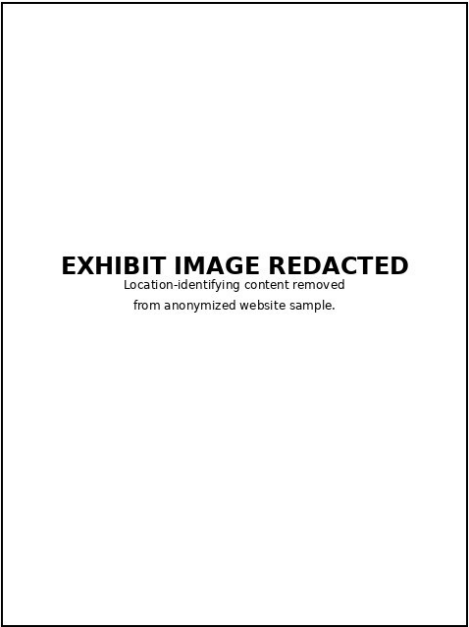
Photographs taken during the July 9, 2026 expert site inspection.



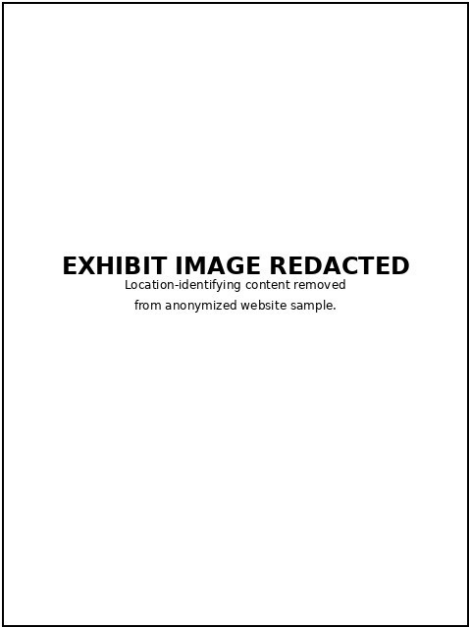
A10-1. Gate opened by security personnel during the July 9, 2026 expert site inspection. No paved or gravel driveway extends through the opening.



A10-2. Additional view of the gate opening and the grass-covered, ungraded terrain beyond the fence.



A10-3. Elevation difference and grass-covered, ungraded terrain between the railroad tracks and the developed Roe Property Holdings LLC Parcel.



A10-4. Reverse view from the Roe Property Holdings LLC Parcel toward the Doe Parcel, showing the fence line, railroad tracks, embankment, and absence of a continuous vehicular surface.

APPENDIX 11 - May 1, 1917 Railroad Company A-to-Industrial Company A Deed

Certified Copy, Page [REDACTED] of 4 - Deed Book [REDACTED], Page [REDACTED].

This appendix reproduces the complete four-page certified copy reviewed in connection with Plaintiff's reliance upon the 1917 instrument. The certified copy includes the Recorder of Deeds certification page and three recorded deed pages. The instrument concerns railroad-system railroad operating rights and quarry-siding access. The recorded instrument, rather than this reproduction, controls.

The deed does not itself identify the particular [REDACTED TOWNSHIP] & Railroad Company C crossing at the route now claimed by Plaintiff or grant a vehicular crossing right to the later-created Doe Parcel. The recorded instrument, rather than this reproduction, controls.

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APPENDIX 12 - Plaintiff's Exhibit 9 Historical Imagery Review

This appendix summarizes the historical photographs and Google Earth images filed as Plaintiff's Exhibit 9 to the First Amended Complaint and incorporated into the preliminary-injunction filing. The copies are reviewed for historical and geographic context only. They are not surveys and do not themselves establish parcel boundaries or legal access rights.

Filed PDF pages	General content observed	What the images can support	Limitations for the claimed Access Roadway
134	Exhibit 9 opening page with multiple small aerial/photographic views of the railroad/industrial area.	General historical context and the existence of railroad and industrial features.	Low-detail composite; does not define a complete route, width, termini, or parcel-by-parcel crossing.
135-141	Series of Google Earth/aerial views of the [REDACTED ROAD] industrial area, railroad corridor, and areas near the claimed alignment; several copies contain arrows or markings.	Changes in site development and the relative geographic relationship of the railroad, industrial property, and surrounding features.	Copies do not consistently display legible imagery-acquisition dates, a common scale, surveyed parcel boundaries, or a surveyed overlay of the complete claimed route. Annotations are not a survey.
142-148	Broader and closer aerial views including the [REDACTED RIVER], railroad corridor, industrial development, and the area of the present warehouse/Target facility.	Broader historical setting and changing development patterns over time.	Do not independently demonstrate one continuous vehicular roadway of fixed location, width, surface, and termini from the Doe Parcel across the railroad and Roe property to [REDACTED ROAD] throughout the alleged period.

Overall opinion regarding Exhibit 9: The images are consistent with a changing industrial and transportation setting and may corroborate that portions of the area were open, cleared, or traveled at various times. In the copies reviewed, they do not independently identify a single surveyed Access Roadway across all three property interests or demonstrate that such a route remained in the same defined location and scope for an uninterrupted twenty-one-year period.

SCHEDULE A - Principal Materials Reviewed, Considered, and Relied Upon

The following identifies the principal categories and instruments reviewed, considered, and relied upon. Complete produced documents and recorded instruments control over these summaries.

1. First Amended Complaint and exhibits, including paragraphs 25, 27, and 53 and Plaintiff's Exhibit 9 historical photographs and Google Earth images.
2. **Defendant Roe Property Holdings LLC's Answer and New Matter.**
3. **Plaintiff's discovery responses and handwritten chronology, Bates Nos. [REDACTED BATES]–[REDACTED BATES], concerning the alleged route, the placement of stone and gravel in January and February 2020, and the recorded February 6, 2020 direction to stop road work.**
4. **1983 Railroad Company B deed to John Doe and Maria A. Doe, Deed Book [REDACTED], Page [REDACTED], including Exhibit A.**
5. **1980 conveyance involving the Trustees of Railroad Company B and Railroad Company B, Deed Book [REDACTED], Page [REDACTED], and relevant schedule materials.**
6. **2021 deed from 900 Industrial Company F to Roe Property Holdings LLC, Deed Book [REDACTED], Page [REDACTED], including Exhibit A.**
7. **1978 Industrial Company B conveyance to Industrial Company E, Deed Book [REDACTED], Page [REDACTED] beginning at Page [REDACTED], including the Surveyor A survey dated July 19, 1978 and revised August 31, 1978; Page [REDACTED] is among the cited description/mapping pages within the instrument.**
8. **1992 Industrial Company E conveyance to Industrial Company D Inc., Deed Book [REDACTED], Page [REDACTED], and Industrial Company D Subdivision Plan, Plan Book [REDACTED].**
9. 2010, 2019, and 2021 successor conveyances carrying forward the modern Defendant parcel description.
10. Historical deeds, tax parcel mapping, aerial imagery, correspondence, and railroad-corridor materials identified in the report and appendices.
11. **Surface Transportation Board [REDACTED DOCKET], used only as evidence of the railroad entity and operation of the line, not as a complete fee-title opinion.**
12. **Surface Transportation Board Docket No. [REDACTED DOCKET] and the June 26, 2026 Federal Register notice, reproduced in Appendix 9B and used only as evidence of the proposed acquisition and the stated intention to provide rail service as needed, not as proof of consummation or complete fee title.**
13. July 9, 2026 site-inspection observations and photographs.
14. Plaintiff's July 22, 2026 Petition for Preliminary Injunctive Relief, together with the filed exhibits and factual assertions concerning the alleged roadway, gate, curbing, common ownership, historical use, landlocked condition, and requested restoration of access.
15. Plaintiff's Memorandum of Law in Support of the Petition for Preliminary Injunctive Relief, reviewed only for the factual and title-related propositions concerning alleged common ownership and severance, the 1917 deed, the alleged access roadway, historical use, the intervening railroad corridor, physical changes to Defendant's property, alleged absence of alternative access, and the claimed pre-2019 physical status quo; not relied upon for legal conclusions concerning injunctive relief.
16. **May 1, 1917 deed from the Railroad Company A to Industrial Company A, Deed Book [REDACTED], Page [REDACTED], reproduced in Appendix 11.**
17. **Additional photographs taken during the July 9, 2026 site inspection depicting the gate, embankment, railroad corridor, and physical relationship between the Doe Parcel and the Roe Property Holdings LLC Parcel, reproduced in Appendix 10.**
18. **August 29, 1904 deed from Railroad Company A to John Doe Senior & Industrial Company C, Deed Book [REDACTED], Page [REDACTED], reviewed as a railroad-related source conveyance within the industrial assemblage associated with the Defendant Parcel.**
19. **October 16, 1911 merger and consolidation instrument involving John Doe Senior & Industrial Company C and Industrial Company A, Deed Book [REDACTED], Page [REDACTED], together with additional 1906 and 1917 source conveyances identified in Section V.**
20. Plaintiff's Exhibit 9 historical photographs and Google Earth images, summarized in Appendix 12 and used as historical/geographic context subject to the limitations stated there.