

S E R V E D
June 12, 2008
FEDERAL MARITIME COMMISSION

FEDERAL MARITIME COMMISSION

WASHINGTON, D.C.

DOCKET NO. 08-03

MAHER TERMINALS, LLC

v.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

NOTICE OF ASSIGNMENT

The undersigned judge will conduct such hearings and conferences as may be necessary to resolve the issues in this proceeding and to issue an Initial Decision or dispositive ruling.

With the exception of discovery, all pleadings and documents pertaining to this proceeding shall be filed with the Secretary of the Commission as required by Rule 118 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.118, with a courtesy copy to the presiding judge. Rule 118(b)(3) requires that parties file copies of discovery with the Commission. 46 C.F.R. § 502.118(b)(3). In accordance with Rule 10 (46 C.F.R. § 502.10), that requirement is waived in this case. Therefore, the following discovery requests and responses must not be filed with the Commission until they are used in the proceeding or the court orders filing: (i) depositions, (ii) interrogatories, (iii) requests for documents or to permit entry upon land, and (iv) requests for admission. *Compare* Fed. R. Civ. P. 5(d).

In all pleadings filed in this proceeding, the parties may cite Commission decisions or rulings by reference to the official F.M.C. reporters, Pike & Fischer Shipping Regulation Reports ("S.R.R."), Westlaw, or Commission slip opinions by docket number, title, and date of service. If Westlaw citations are used, the parties shall give the corresponding S.R.R. citation if available, or, if not available, shall give the F.M.C. docket number, the title of the case, and the precise date of the ruling. If a court or other non-F.M.C. case is cited by Westlaw, the decision or ruling shall be transmitted via e-mail to judges@fmc.gov.

The parties are encouraged to study the Commission's Rules of Practice and Procedure regarding the use of alternative dispute resolution, settlement, shortened procedure, and any other device that will aid in cutting costs of litigation. *See, e.g.*, 46 C.F.R. §§ 502.1; 502.61(d); 502.91(a); 502.91(d); 502.94(c); 502.147(a); 502.181 - 502.187 (shortened procedure); 502.401 - 502.411 (alternative dispute resolution). The parties are also advised that the Commission has established the Office of Consumer Affairs & Dispute Resolution Services that is staffed by persons experienced in shipping regulatory law any one of whom could act as a mediator if the parties so desire. This Office may be reached at 202-523-5807.

The Commission's rules of practice and procedure are available online at <http://www.fmc.gov/home/502Rulesofpracticeandprocedure.asp>. Commission decisions from 1987 to the present are also available online at <http://www.fmc.gov/reading/FormalDocketDescisionsIssuances1996Present.asp?PRINT=Y>.

To improve efficiency and reduce cost, the parties may elect to receive service of the rulings, orders and decisions in this proceeding through email in lieu of service by U.S. mail. A party opting for electronic service shall advise me in writing and provide me with the email address where the party wishes to receive service.



Clay G. Guthridge
Acting Chief Administrative Law Judge