

ORIGINAL

S E R V E D

June 3, 2011

FEDERAL MARITIME COMMISSION

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WASHINGTON, D.C.

DOCKET NO. 08-03

MAHER TERMINALS, LLC

v.

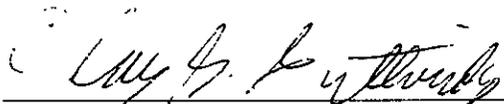
PORT AUTHORITY OF NEW YORK AND NEW JERSEY

NOTICE TO PARTIES REGARDING STAY PENDING APPEAL

On May 16, 2011, I issued a Memorandum and Order on the motion for summary judgment filed by the Port Authority of New York and New Jersey (PANYNJ). *Maher Terminals, LLC v. Port Authority of New York and New Jersey*, FMC No. 08-03 (ALJ May 16, 2011) (Initial Decision Granting in Part Motion for Summary Judgment and Dismissing Claim for a Reparation Award Based on Lease-term Discrimination Claims). I noted that the decision would be reviewed by the Commission, *id.* at 46-48, and ordered that "on or before May 20, 2011, the parties file memoranda addressing the presiding officer's authority to stay this proceeding pursuant to Rule 153 or any other ground pending the Commission's review of this decision, and the propriety of staying the proceeding." *Id.* at 48.

On May 20, 2011, Maher filed Maher Terminals, LLC's Memorandum Regarding the Authority and the Propriety of a Stay Pursuant to the Order of May 16, 2011. Maher argued that the authorities did not support entry of a stay and entry of a stay would severely prejudice Maher. PANYNJ did not respond to the Order.

The parties are hereby notified that upon consideration of Maher's Memorandum, I will not stay this proceeding pending the Commission's review.


Clay G. Guthridge

Administrative Law Judge