

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

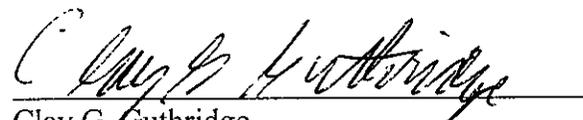
ORDER VACATING NOTICE TO PARTIES REGARDING STAY PENDING APPEAL

On June 3, 2011, I issued a Notice to the parties that this proceeding would not be stayed pending appeal of the May 16, 2011, 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). See *MaHer v. PANYNJ*, FMC No. 08-03 (ALJ June 3, 2011) (Notice to Parties Regarding Stay Pending Appeal). In the Notice, I stated: "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. . . . PANYNJ did not respond to the Order." *Id.*

I have been advised that PANYNJ did respond to the Order in [PANYNJ's] Memorandum in Support of a Stay Pending the Commission's Review of the Initial Decision Dated May 16, 2011 Granting in Part the Port Authority's Motion for Summary Judgment received by the Secretary on May 23, 2011. Accordingly, it is hereby

ORDERED that the Notice to Parties Regarding Stay Pending Appeal issued June 3, 2011, be **VACATED**. I will consider the parties' arguments set forth in their memoranda filed pursuant to the May 16, 2011, Order, and issue a notice or order on a stay. It is

FURTHER ORDERED that the parties not file additional memoranda on this issue.


Clay G. Guthridge
Administrative Law Judge