

# FEDERAL MARITIME COMMISSION

MAHER TERMINALS, LLC

v.

THE PORT AUTHORITY OF NEW YORK  
AND NEW JERSEY

Docket 08-03

Served: May 1, 2014

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## PROCEDURAL ORDER

On April 25, 2014, the Administrative Law Judge (ALJ) assigned to this proceeding issued an initial decision (ID). The deadline for the filing of exceptions to the ID is May 19, 2014. On April 28, 2014, Complainant Maher Terminals, LLC (Maher) filed an unopposed motion for enlargement of time for Maher to file its Exceptions to the ID and for the Port Authority of New York and New Jersey (PANYNJ) to file its Reply to Maher's Exceptions, beyond the usual 22 days provided for under 46 C.F.R. § 502.227(a)(1). Under the proposed schedule, Maher's exceptions would be due on June 9, 2014, and PANYNJ's reply to Maher's exceptions would be due July 23, 2014. Counsel for Maher cites the importance of the issues and the large scope of the merits record in the proceeding as well as previously-scheduled conflicting professional obligations and personal conflicts.

For good cause shown, Maher's unopposed motion for enlargement of time is granted. Maher's exceptions will be due on June 9, 2014 and PANYNJ's reply will be due July 23, 2014. The

deadline for the Commission's final decision in this proceeding is correspondingly extended to October 20, 2014.

The ALJ noted on page 8 of the ID that:

The evidentiary record in this proceeding contains thousands of pages and is needlessly long because many of the exhibits were submitted by both parties. Some documents submitted are barely readable . . . . In addition, Maher submitted a supplemental appendix with its reply brief. This fifteen volume supplemental appendix includes three volumes of documents which lack pagination, so that it is impossible to identify the specific page cited.

In order to foster an efficient review of the evidentiary record, the parties must submit, no later than ten days after the July 23, 2014 deadline for the filing of PANYNJ's reply brief, a joint Exceptions Appendix. In their briefs, the parties should refer to the evidentiary record. The Exceptions Appendix must contain a copy of all pages of exhibits from the evidentiary record referred to by either party in their respective brief or reply brief. The Exceptions Appendix must be separately paginated and contain a table of contents. To the maximum extent possible, the table of contents should include a cross-reference to the location of the exhibit in the evidentiary record and the location of any reference to the exhibit in the briefs. The parties must file with the Secretary 7 paper copies of the Exceptions Appendix and one copy on an electronic storage device.

By the Commission.

Karen V. Gregory  
Secretary