

FEDERAL MARITIME COMMISSION

MAHER TERMINALS, LLC

Complainant,

v.

THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Respondent.

Docket No. 08-03

Served: August 10, 2016

BY THE COMMISSION: Mario CORDERO *Chairman*;
Rebecca F. DYE, Michael A. KHOURI, William P. DOYLE,
Daniel B. MAFFEI, *Commissioners.*

**Order Granting Motion to Participate as Amicus Curiae and
Joint Motion to Stay Proceedings Pending the Outcome of
Settlement Discussions**

On July 22, 2016, the American Association of Port Authorities (AAPA) moved, with the consent of the parties, for leave to file an amicus brief in this proceeding under 46 C.F.R. § 502.78. Because the AAPA has a reasonable interest in this matter and its participation is desirable, and because its brief is

MAHER TERMINALS v. PORT AUTHORITY OF NY & NJ 2

limited to legal and policy issues and was timely filed, we **GRANT** the AAPA's motion and **ACCEPT** as part of the docket the AAPA's conditionally filed brief.

In addition, on July 29, 2016, Complainant Maher Terminals, LLC, and Respondent Port Authority of N.Y. and N.J. jointly moved to stay all proceedings for five weeks pending the outcome of settlement negotiations. Because: (a) the parties have a significant interest in settling their disputes without incurring the additional costs and burdens of litigation; (b) the Commission has a significant interest in conserving its resources and encouraging settlement; and (c) there are no countervailing interests that outweigh the parties' and Commission's interests; we **GRANT** the parties' motion and **ORDER** all proceedings in this action stayed for five weeks, through and including September 2, 2016. The stay will be lifted on the Commission's receipt of either a joint motion by the parties or a motion by one party made on ten days written notice to the other party. If the parties have not settled by September 2, 2016, they shall file a status report and either a joint motion for a brief extension of the stay or a proposed schedule. By the Commission.

Karen V. Gregory
Secretary