

**BEFORE THE
FEDERAL MARITIME COMMISSION**

Docket No. 11-12

**KAWASAKI KISEN KAISHA, LTD.;
NIPPON YUSEN KAISHA;
UNITED ARAB SHIPPING COMPANY (S.A.G.); and
YANG MING MARINE TRANSPORT CORPORATION,**

COMPLAINANTS

v.

**THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY,
RESPONDENT**

**PORT AUTHORITY'S RESPONSE TO "K" LINE'S
METADATA SUPPLEMENT TO STATUS REPORT**

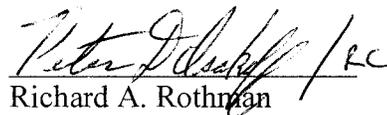
The Port Authority notes "K" Line's belated effort to begin addressing one relatively minor discovery dispute concerning "K" Line's improper removal of metadata from documents produced last year. *See* Metadata Supplement to Status Report, dated Oct. 23, 2013 (agreeing to produce a handful of e-mails that were improperly withheld, and which may allow the Port Authority to better understand certain documents that were produced without metadata). But "K" Line's token concession on this point does not bring "K" Line anywhere near compliance with Your Honor's discovery orders. As detailed in the Port Authority's October 23, 2013 response to "K" Line's motion for dismissal, "K" Line's discovery violations still include failure to: (i) provide the information that "K" Line agreed to produce in the parties' September 14, 2012 Joint Status Report (a representation on which the Port Authority relied in agreeing to table

certain discovery disputes); (ii) supplement its interrogatory responses as directed by Your Honor's First Discovery Order of October 11, 2012; (iii) produce the documents required by Your Honor's Second Discovery Order of June 20, 2013; and (iv) appear for any of the depositions noticed by the Port Authority.

"K" Line's October 8, 2013 motion for dismissal, together with its October 21, 2013 "Status Report," reiterates "K" Line's intention *never* to provide the required discovery, despite Your Honor's multiple warnings that continuing to flout the discovery orders would result in dismissal of the proceeding. And "K" Line's "Metadata Supplement to Status Report" does nothing to change that position. Accordingly, dismissal of this proceeding for discovery violations remains the appropriate course.

Dated: October 24, 2013

Respectfully submitted,



Richard A. Rothman
Jared R. Friedmann
Reed Collins
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153

Peter D. Isakoff
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, NW
Suite 900
Washington, DC 20005

Ashley W. Craig
David G. Dickman
Elizabeth Lowe
VENABLE LLP
575 7th Street, NW
Washington, DC 20004

*Attorneys for The Port Authority of
New York and New Jersey*

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2013, a copy of the foregoing document was served on the following by e-mail and Federal Express:

Matthew J. Thomas, Esq. Reed Smith LLP 1301 K Street, NW Suite 1100 – East Tower Washington, DC 20005	John P. Meade, Esq. "K" Line America, Inc. 6009 Bethlehem Road Preston, MD 21655
---	---



Reed Collins