

**FEDERAL MARITIME COMMISSION**

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**DOCKET NO. 12-03**

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**THE AUCTION BLOCK COMPANY, an ALASKA CORPORATION, and HARBOR LEASING, LLC, an ALASKA LIMITED LIABILITY COMPANY**

**v.**

**THE CITY OF HOMER, a MUNICIPAL CORPORATION, and its PORT OF HOMER**

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**COMPLAINANTS' UNOPPOSED MOTION AND MEMORANDUM FOR LEAVE TO FILE LONGER BRIEFS**

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Come now the Complainants The Auction Block Company and Harbor Leasing, LLC ("Complainants") and file COMPLAINANTS' UNOPPOSED MOTION AND MEMORANDUM FOR LEAVE TO FILE LONGER BRIEFS.

Complainants seek and move for the parties to be afforded leave to file lengthier briefs. Complainants' Exceptions Brief focused on subject matter jurisdiction and evidentiary issues inextricably intertwined with that fundamental threshold issue. Complainants' current draft in response to the recent Order reworks many of the fundamental cases discussed in the Exceptions Brief and incorporates additional discussion. Complainants seek to be allowed to file up to a 50 page Opening Brief, Respondents to file a 50 page Response Brief and Complainants to file a 25 page Reply Brief. The final version of the Opening Brief may not require 50 pages. However, the Commission Rules consistently require the timely if not early filing of a motion for leave for a departure from the Rules or an Order.

Respondents stated in writing that they do not oppose this Motion and the request for relief.

This Motion does not seek to change the current briefing schedule in any way.

Granting this Motion secures justice, does not delay the resolution of this matter, and is less costly. Granting this Motion is consistent with the doctrine that the rules "shall be construed to secure the just, speedy, and inexpensive determination of every proceeding." Commission Rule § 502.1.

DATED this 31st day of December, 2013.

LAW OFFICE OF STEVEN J. SHAMBUREK  
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#### CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this pleading upon Thomas F. Klinkner, Birch Horton Bittner & Cherot, 1127 West 7th Avenue Anchorage, Alaska 99501 by sending a copy by U.S. Mail and by e-mail attachment to [tklinkner@bhb.com](mailto:tklinkner@bhb.com) and also a copy by e-mail attachment to Holly C. Wells at [hwells@bhb.com](mailto:hwells@bhb.com).

Dated this 31st day of December, 2013.

  
Steven J. Shamburek