

FEDERAL MARITIME COMMISSION

AUCTION BLOCK COMPANY AND
HARBOR LEASING, LLC

Complainants,

v.

THE CITY OF HOMER AND
PORT OF HOMER,

Respondents.

Docket No. 12-03

Served: January 16, 2014

BY THE COMMISSION: Mario CORDERO, *Chairman*,
Rebecca F. DYE, Richard A. LIDINSKY, Jr., and William P.
DOYLE, *Commissioners*; Michael A. KHOURI, *Commissioner*,
dissenting.

Order on Complainant's Unopposed Motion for Leave to File Longer Briefs

By Order served December 18, 2013, the Commission granted Complainants' Request for Oral Argument, scheduled oral argument and established an advanced briefing schedule. In the Order, it was specified that Complainant's brief and Respondent's response brief should not exceed 30 pages, and Complainant's

reply brief, if any, should not exceed 15 pages. On December 24, 2013, the Commission granted the parties joint motions to extend the briefing deadlines and postpone oral argument.

On December 31, 2013, Complainants filed an Unopposed Motion and Memorandum for Leave to File Longer Briefs. Complainants state that addressing subject matter jurisdiction and evidentiary issues in their current brief requires additional discussion, and they seek permission for the parties to file up to 50-page opening and response briefs, as well as a 25 page reply brief. Having considered Complainant's December 31, 2013, Unopposed Motion for Leave to File Longer Briefs, we conclude that Complainant's brief and Respondents response may not exceed 40 pages, and Complainant's reply brief, if any, may not exceed 20 pages.

By the Commission.


Karen V. Gregory
Secretary

Commissioner Khouri, dissenting

Complainant's request brings a remembrance of a refrain from a mariner, turned author, who lamented at the conclusion of a lengthy correspondence, "sorry for the long letter, I did not have enough time to write a short one."

The simple purpose of page limits is to induce the parties to refine, distill and focus their arguments. Every American court and adjudicative agency has rules for page limitations. And such rules include allowance for exception only where extraordinary circumstances are demonstrated to the tribunal.

With no such extraordinary circumstances being evident in this case, I vote to deny complainant's motion.