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April 15, 2014					
FEDERAL MARITIME COMMISSION					

FEDERAL MARITIME COMMISSION

DOCKET NO. 13-04

STREAK PRODUCTS, INC., and SYX DISTRIBUTION, INC.

v.

UTi, UNITED STATES, INC.

**ORDER DENYING WITHOUT PREJUDICE RESPONDENT'S
MOTIONS TO ENLARGE DISCOVERY PERIODS**

On April 3, 2014, respondent UTi, United States, Inc. (UTi) filed a Motion for Enlargement of Time to Complete Discovery. This motion seeks to enlarge the current discovery deadline to May 30, 2014, or thirty days after a ruling on the motion to compel discovery responses filed by complainant Streak Products, Inc. (Streak), whichever is later. A ruling on Streak's motion to compel was issued on April 7, 2014. *Streak Products, Inc. v. UTi, United States, Inc.*, FMC No. 13-04 (ALJ Apr. 7, 2014) (Memorandum and Order on Complainants' Motion to Compel).

On April 14, 2014, UTi filed a Motion for Enlargement of Time to Supplement Discovery. This motion seeks to enlarge the time for UTi to serve the supplemental responses to discovery required by the April 7, 2014, Order.

UTi's motions to enlarge discovery periods are non-dispositive motions. 46 C.F.R. § 502.69(g).

Before filing a non-dispositive motion as defined in § 502.69(g) of this subpart, the parties must attempt to discuss the anticipated motion with each other in a good faith effort to determine whether there is any opposition to the relief sought and, if there is opposition, to narrow the areas of disagreement. The moving party must state within the body of the motion what attempt was made or that the discussion occurred and whether the motion is opposed.

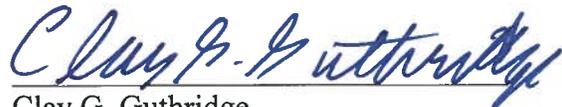
46 C.F.R. § 502.71(a).

Neither motion complies with Commission Rule 71(a).

- UTi's April 3, 2014, motion states that Complainant's counsel "has agreed to the deposition of Complainants' expert . . . on April 24, 2014. Complainants' counsel has indicated that Complainants will object to any new discovery." (Motion for Enlargement of Time to Complete Discovery at 1 n.1.) It does not state whether Complainants oppose the enlargement to May 30, 2014.
- UTi's April 14, 2014, motion does not state whether Complainants oppose the enlargement.

Therefore, it is hereby

ORDERED that the Motion for Enlargement of Time to Complete Discovery and the Motion for Enlargement of Time to Supplement Discovery be **DENIED** without prejudice to refile in compliance with Commission rules. If Respondent intends to refile the motions, it should refile them forthwith.



Clay G. Guthridge
Administrative Law Judge