

**FEDERAL MARITIME COMMISSION**

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**DOCKET NO. 14-04**

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**EDAF ANTILLAS, INC.**

**v.**

**CROWLEY CARIBBEAN LOGISTICS, LLC;  
IFS INTERNATIONAL FORWARDING, S.L.; and  
IFS NEUTRAL MARITIME SERVICES**

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**RESPONDENT CCL'S SUPPLEMENTAL PETITION FOR ATTORNEY'S FEES**

Pursuant to 46 U.S.C. § 41305(e)<sup>1</sup> and Rule 72 of the Rules of Practice and Procedure of the Federal Maritime Commission, respondent Crowley Caribbean Logistics, LLC ("CCL") files this Petition seeking reasonable attorney's fees as the prevailing party in this proceeding.<sup>2</sup>

**I. INTRODUCTION**

On April 15, 2015, the Presiding Judge entered an Initial Decision dismissing with prejudice Editorial Edaf, S.L.'s ("Edaf") complaint for failure to prosecute and granting CCL's motion for reasonable attorney fees for work done after enactment of the Howard Coble Coast Guard Marine and Transportation Act of 2014, Pub. L. No. 113-281, 128 Stat. 3022 (Dec. 18, 2014).<sup>3</sup>

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<sup>1</sup> "In any action brought under section 41301, the prevailing party may be awarded reasonable attorney fees."

<sup>2</sup> There is some ambiguity in these novel circumstances not involving a reparations award as to the proper time for filing a petition for attorney's fees. Rule 254 generally defers filing until the 60-day period for seeking judicial review has expired. 46 C.F.R. 502.254(c); 28 USC § 2344. Rule 227, however, states that there is no final judgment for purposes of judicial appeal unless the party takes exceptions from the Initial Decision. Edaf did not take timely exceptions, and so waived its right to judicial review. Under these circumstances, we believe that CCL should be entitled to file its petition now. If the Presiding Judge decides otherwise, we ask that he hold CCL's petition in abeyance until the 60 days has expired.

<sup>3</sup> See Initial Decision dated April 15, 2015, Document No. 45. On May 18, 2015, the Commission issued its Notice Not to Review, rendering the Initial Decision final for FMC purposes.

Attorney fees from December 18, 2014 through June 15, 2015 totaled \$25,024, reflecting 48.7 hours of attorney time at hourly rates ranging from \$385 per hour to \$585 per hour.

## II. CALCULATION OF FEES

In calculating attorney fees, the Commission has adopted the lodestar method of multiplying the number of hours reasonably spent by the attorneys by reasonable hourly fees.<sup>4</sup> In accordance with FMC Rule 254(b), the tables below “specify the number of hours claimed . . . at each identifiable stage of the proceeding” and state the rates charged by Nixon Peabody for such time. The “reasonableness of hours claimed and the customary fees charged by attorneys” in the District of Columbia are addressed in the attached Declaration of Eric Jeffrey.

The fees shown in the below tables involve three major categories: (1) Settlement & Related Matters, (2) Motion to Dismiss, and (3) Petition for Attorney’s Fees.

### 1. Settlement & Related Matters

Date	Attorney	Hours	Rate	Total	Description
12/17/14	E. Jeffrey	0.30	\$585	\$175.50	Email exchange K. Fischer regarding next steps. Review IFS postponement notice of deposition.
12/18/14	E. Jeffrey	0.10	\$585	\$58.50	Email exchange K. Fischer regarding next steps.
12/30/14	E. Jeffrey	0.30	\$585	\$175.50	Email exchange A. Twaits re possible motion for summary judgment, including disc. L. Nelson.
01/05/15	E. Jeffrey	0.10	\$585	\$58.50	E-mail exchange A. Twaits regarding COGSA defense.
01/06/15	E. Jeffrey	0.10	\$585	\$58.50	E-mail exchange IFS counsel regarding upcoming status report, including disc. L. Nelson.
01/07/15	E. Jeffrey	0.20	\$585	\$117.00	E-mail exchanges among counsel regarding status report.
01/08/15	L. Nelson	1.80	\$420	\$756.00	Call with A. Twaits regarding status of matter. Prepare for and participate in call with counsel for Edaf and IFS regarding status report. Communications regarding same.

<sup>4</sup> See *Attorney’s Fees in Reparation Proceedings*, 23 S.R.R. 1698 (FMC 1987); See also *Transworld Shipping (USA), Inc. v. FMI Forwarding (San Francisco), Inc.*, 29 S.R.R. 876, 878 and n.3 (FMC 2002).

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>	<b>Description</b>
01/08/15	E. Jeffrey	1.80	\$585	\$1,053	Telephone conferences A. Twaits and Edaf/IFS regarding scheduling, including disc. L. Nelson. Review and comment on joint status report proposed by IFS. Review some documents produced by IFS, including disc. L. Nelson and e-mail to K. Fischer.
01/09/15	L. Nelson	0.40	\$420	\$168.00	Review and edit status report. Multiple communications with counsel for other parties relating to same.
01/09/15	E. Jeffrey	1.00	\$585	\$585.00	Review proposed joint status report, including e-mail exchanges counsel for IFS and Edaf.
01/12/15	E. Jeffrey	0.40	\$585	\$234.00	Joint Status report, including telephone conference Edaf and IFS and review draft report.
01/14/15	E. Jeffrey	0.20	\$585	\$117.00	Review scheduling Order, including disc. L. Nelson.
01/22/15	E. Jeffrey	0.20	\$585	\$117.00	Review e-mail from K. Fischer regarding documents.
01/28/15	E. Jeffrey	0.10	\$585	\$58.50	Discussion with L. Nelson regarding transcripts.
01/30/15	L. Nelson	0.50	\$420	\$210.00	Review documentation provided by CCL. Discuss next steps in matter with E. Jeffrey and A. Buckner.
01/30/15	E. Jeffrey	0.50	\$585	\$292.50	Meet with L. Nelson and A. Buckner to discuss next steps, transition. Review motion from IFS, including e-mail to L. Nelson, A. Buckner.
02/02/15	A. Buckner	1.00	\$385	\$385.00	Legal research regarding introduction of new evidence or facts for the record in a brief or motion.
02/02/15	E. Jeffrey	1.40	\$585	\$819.00	Consider response to IFS motion regarding briefing, including discussion with A. Buckner and file notice with the FMC. E-mail to A. Twaits regarding schedule, possible conference call, settlement, and next steps.
02/03/15	A. Buckner	1.20	\$385	\$462.00	Legal research regarding law and CFR, looking for guidance on new evidence introduced in a brief.
02/03/15	E. Jeffrey	1.20	\$585	\$702.00	Review documents, including e-mail exchanges A. Buckner. E-mail to C. Matos with settlement offer.
02/04/15	E. Jeffrey	0.40	\$585	\$234.00	E-mail to Edaf regarding possible Settlement.
02/05/15	E. Jeffrey	1.10	\$585	\$643.50	Email exchanges with C. Matos, S. Ficon and A. Twaits regarding possible settlement. E-mail to S. Ficon regarding status of case. Discussions with A. Buckner regarding research.

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>	<b>Description</b>
02/06/15	E. Jeffrey	2.50	\$585	\$1462.50	Prepare Crowley response to IFS request for relief.
02/09/15	E. Jeffrey	0.10	\$585	\$58.50	E-mail to S. Ficon regarding possible settlement
02/12/15	E. Jeffrey	0.30	\$585	\$175.50	E-mail exchanges with Crowley regarding conference call and settlement, including e-mail to Edaf regarding settlement
02/13/15	E. Jeffrey	0.60	\$585	\$351.00	Telephone conference with M. Pacheco, including preparations therefor.
02/17/15	E. Jeffrey	0.20	\$585	\$117.00	E-mail exchanges with A. Twaits and C. Matos regarding possible settlement.
02/18/15	E. Jeffrey	0.20	\$585	\$117.00	E-mail exchange with Edaf regarding settlement, including e-mail report to CCL.
02/20/15	E. Jeffrey	0.50	\$585	\$292.50	Review new document obtained by CCL, including provide same in discovery and e-mail exchange M. Pacheco.
	<b>E. Jeffrey</b>	<b>13.8</b>	<b>\$585</b>	<b>\$8,073</b>	
	<b>L. Nelson</b>	<b>2.70</b>	<b>\$420</b>	<b>\$1,134</b>	
	<b>A. Buckner</b>	<b>2.20</b>	<b>\$385</b>	<b>\$847.00</b>	
			<b>Total:</b>	<b>\$10,054.00</b>	

## 2. Motion to Dismiss

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>	<b>Description</b>
02/24/15	E. Jeffrey	0.20	\$585	\$117.00	Review IFS motion to dismiss.
02/25/15	E. Jeffrey	2.40	\$585	\$1404.00	Prepare motion to dismiss for failure to prosecute, including research regarding same.
02/27/15	E. Jeffrey	0.10	\$585	\$58.50	E-mail exchange with A. Twaits regarding motions to dismiss.
03/01/15	E. Jeffrey	1.00	\$585	\$585.00	Review ALJ order to show cause, including discuss supplemental briefing with A. Buckner, e-mail exchange J. Parks and send to CCL with e-mail.
03/06/15	A. Buckner	1.00	\$385	\$385.00	Review and analysis of legal research (legislative history, CFR, and case law) regarding retroactive application of new law.
03/09/15	A. Buckner	0.50	\$385	\$192.50	Review and analysis of legal research (case law) regarding retroactive application of new law.
03/09/15	E. Jeffrey	2.60	\$585	\$1521.00	Research regarding application of Shipping Act amendment authorizing attorney's fees, including discussion with A. Buckner

Date	Attorney	Hours	Rate	Total	Description
03/17/15	A. Buckner	1.00	\$385	\$385.00	Legal research regarding retroactivity of attorney's fees statutes. Draft of brief in support of attorney's fees
03/18/15	A. Buckner	1.80	\$385	\$693.00	Draft brief in support of attorney's fees. Edits to brief per comments by E. Jeffrey. Additional legal research and analysis.
03/18/15	E. Jeffrey	1.30	\$585	\$760.50	Edit brief on attorney's fees, including discussion with A. Buckner.
03/19/15	A. Buckner	0.60	\$385	\$231.00	Further edits to supplemental brief in support of attorney's fees.
03/19/15	E. Jeffrey	2.20	\$585	\$1287.00	Edit brief on attorney's fees, including discussion with A. Buckner.
03/27/15	E. Jeffrey	0.10	\$585	\$58.50	E-mail exchange K. Fischer re status
04/15/15	E. Jeffrey	0.60	\$585	\$351.00	Initial review ALJ Order of dismissal, including discussion with A. Buckner and e-mail exchange A. Twaits
04/16/15	E. Jeffrey	0.30	\$585	\$175.50	Review Order of Dismissal.
05/18/15	E. Jeffrey	0.50	\$585	\$292.50	Review Notice Not to Review, including e-mail to A. Twaits regarding Crowley options.
	<b>E. Jeffrey</b>	<b>11.3</b>	<b>\$585</b>	<b>\$6,610.50</b>	
	<b>A. Buckner</b>	<b>4.9</b>	<b>\$385</b>	<b>\$1,886.50</b>	
			<b>Total:</b>	<b>\$8,497.00</b>	

### 3. Preparation of Petition for Attorney's Fees<sup>5</sup>

Date	Attorney	Hours	Rate	Total	Description
06/04/15	E. Jeffrey	0.10	\$585	\$58.50	E0mail to A. Buckner regarding research tasks for petition for attorney's fees.
06/05/15	A. Buckner	1.10	\$385	\$423.50	Legal research regarding method of calculating attorney fees used by the FMC. Legal research regarding whether petition may include fees involving work drafting and researching petition. Draft summary.
06/08/15	E. Jeffrey	0.40	\$585	\$234.00	Review cases regarding FMC attorney's fees.
06/09/15	E. Jeffrey	0.60	\$585	\$351.00	Review IFS petition for attorney's fees, including discussion with A. Buckner.

<sup>5</sup> Courts have consistently held that federal statutes authorizing attorney's fees include the time spent preparing a fee petition. *Zeigler Coal Co. v. Director, OWCP*, 326 F.3d 894 (7<sup>th</sup> Cir. 2003); *Kerns v. Consolidation Coal Co.*, 247 F.3d 133, 134 (4<sup>th</sup> Cir. 2001); *Anderson v. Director, OWCP*, 91 F.3d 1322 (9<sup>th</sup> Cir.1996), *Prandini v. Nat'l Tea Co.*, 585 F.2d 47 (3<sup>rd</sup> Cir. 1978).

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>	<b>Description</b>
06/10/15	A. Buckner	2.70	\$385	\$1039.50	Review of ALJ Initial Decision regarding attorney fees. Review of IFS petition. Draft of petition for attorneys fees.
06/10/15	E. Jeffrey	0.20	\$585	\$117.00	Discussion with A. Buckner regarding petition for attorney's fees.
06/11/15	A. Buckner	2.00	\$385	\$770.00	Continue draft of petition for attorneys fees. Updated to draft per comments and edits by E. Jeffrey. Legal research on FMC use of Laffey matrix.
06/11/15	E. Jeffrey	1.40	\$585	\$819.00	Edit petition for attorney's fees, including discussion with A. Buckner.
06/12/15	A. Buckner	0.80	\$385	\$308.00	Draft declaration; edits to petition per comments by E. Jeffrey.
06/12/15	E. Jeffrey	1.60	\$585	\$936.00	Edit motion for attorney fees.
06/13/15	A. Buckner	0.40	\$385	\$154.00	Review of Declaration in support of petition for attorney fees; edit to petition and declaration per comment by E. Jeffrey.
06/13/15	E. Jeffrey	0.70	\$585	\$409.50	Edit Declaration in support of attorney's fees.
06/15/15	A. Buckner	1.00	\$385	\$385.00	Edits to Declaration in support of petition for attorney's fees per E. Jeffrey edits; Final review of petition; filing.
06/15/15	E. Jeffrey	0.80	\$585	\$468.00	Finalize petition for attorney's fees, including edit Declaration and disc. A. Buckner.
	<b>E. Jeffrey</b>	<b>5.8</b>	<b>\$585</b>	<b>\$3,393</b>	
	<b>A. Buckner</b>	<b>8.0</b>	<b>\$385</b>	<b>\$3,080</b>	
			<b>Total:</b>	<b>\$6,473</b>	

### **III. RELIEF REQUESTED**

CCL respectfully requests the following relief:

1. Attorney fees incurred in this matter since December 18, 2014, as provided in 46 U.S.C. § 41305(e) and Rule 254 in the total amount of \$25,024.

2. Such other and further relief as the Commission and Presiding Judge deem just and proper.

Respectfully submitted,

BY:   
ERIC C. JEFFREY  
ANGELA BUCKNER  
**NIXON PEABODY LLP**  
401 Ninth Street, NW, Suite 900  
Washington, DC 20004  
(202) 585-8000  
Counsel for Crowley Caribbean Logistics, LLC

June 15, 2015

*Certificate of Service*

I hereby certify that I have this day served the foregoing document upon all parties of record by e-mailing a copy to each person.<sup>6</sup>

Dated at Washington, DC, this 15th day of June, 2015.



Angela N. Buckner  
Counsel for Crowley Caribbean Logistics, LLC

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<sup>6</sup> The Parties agreed in the August 11, 2014 Joint Status Report that service among them would be effectuated by email, to reduce both delays and costs.

**A**

**FEDERAL MARITIME COMMISSION**

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**DOCKET NO. 14-04**

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**EDAF ANTILLAS, INC.**

**v.**

**CROWLEY CARIBBEAN LOGISTICS, LLC;  
IFS INTERNATIONAL FORWARDING, S.L.; and  
IFS NEUTRAL MARITIME SERVICES**

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**DECLARATION OF ERIC JEFFREY IN SUPPORT OF CROWLEY CARIBBEAN  
LOGISTICS, LLC'S PETITION REGARDING ATTORNEY FEES**

1. I am counsel at the firm Nixon Peabody LLP, attorneys for respondent Crowley Caribbean Logistics, LLC ("CCL"). I submit this Declaration in support of CCL's Petition Regarding Attorney Fees.

2. I am the lead attorney for CCL in this matter, and am familiar with all of the work done on the matter and with the hourly rates charged by Nixon Peabody. I am the Nixon Peabody billing attorney for this matter and edited all of the invoices sent to CCL, including deletion of any time I believed not reasonably necessary to Nixon Peabody's representation of CCL.

3. True and correct copies of Nixon Peabody's invoices to CCL, showing the amount of time spent on this matter and the fees assessed to CCL since December 18, 2014, are attached hereto as Exhibit C. These invoices reflect work actually performed and necessary in this case.

4. CCL incurred \$25,024 in attorney fees in connection with this matter since December 18, 2014.

5. I performed the majority of the work in this matter. I am a 1978 graduate of the University of Pennsylvania Law School and a well-recognized expert in the field of maritime law. I have practiced maritime law for over 28 years, representing ocean carriers, NVOCCs, MTOs, and other regulated entities. I have participated in multiple proceedings before the Commission, including *Ceres v. Maryland Port Authority* and *Government of Guam v. Sealand*. Additionally, I am a member of the Executive Board of the Maritime Administrative Bar Association. The hourly rate that I charged CCL was \$585, well below my customary rate of \$650 per hour, and the lowest rate that I charge any of my clients.

6. Additional work was performed by Lindsey Nelson and Angela Buckner. Ms. Nelson is a 2009 graduate of the George Washington Law School and member of the Virginia bar since 2009 and the DC bar since 2010. Ms. Nelson's time was charged at a rate of \$420 per hour, her customary rate for time charged to clients. Ms. Buckner is a 2013 graduate of the George Washington University Law School and a member of the Virginia bar since 2013, and the Maryland and DC bars since 2014. Ms. Buckner's time was charged at a rate of \$385 per hour, her customary rate for time charged to clients.

7. Rule 254 instructs that an award of "attorney's fees" cover the fair market value of the services provided. As the Commission has recognized: "[o]ne can begin with the premise that, in the ordinary case, a fee based on the actual rates an attorney charges would be prima facie reasonable. There is no better indication of what the market will bear than what the lawyer in fact charges for his services and what his clients pay." *Qin's, Inc. v. Superior Link International, Inc.*, 30 S.R.R. 400, 403 (F.M.C. 2004) (citing *Griffin v. Washington Convention Ctr.*, 172 F. Supp. 2d 193, 197 (D.D.C. 2001)). The rates herein are those actually billed to and paid by CCL.

8. The hourly rates charged by Nixon Peabody are also consistent with rates charged by attorneys with similar skill and experience in the Washington, DC metropolitan area, as shown by reference to the Updated *Laffey* Matrix (attached as Exhibit B). The Updated *Laffey* Index has been approved by the Commission, *Petra Pet, Inc. v. Panda Logistics LTD., Panda Logistics Co. Ltd.*, 33 S.R.R. 336 (F.M.C. 2014), and “has often been relied upon to determine appropriate fee awards.” See *McDowell v. District of Columbia*, Civ. A. No. 00-594 (RCL), LEXSEE 2001 U.S. Dist. LEXIS 8114 (D.D.C. 2001).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Washington, D.C. this 15<sup>th</sup> day of June, 2015.

  
Eric Jeffrey

**B**

# LAFFEY MATRIX

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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., McDowell v. District of Columbia, Civ. A. No. 00-594 (RCL), LEXSEE 2001 U.S. Dist. LEXIS 8114 (D.D.C. June 4, 2001); Salazar v. Dist. of Col., 123 F.Supp.2d 8 (D.D.C. 2000).

\* "Years Out of Law School" is calculated from June 1 of each year, when most law students graduate. "1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). "4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier "1-3" from June 1, 1996 until May 31, 1999, would move into tier "4-7" on June 1, 1999, and tier "8-10" on June 1, 2003.

\*\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

C



FEDERAL I.D. NO. 16-0764720

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Mr. Alan R. Twaits  
Vice President & General Counsel  
Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

January 8, 2015  
Invoice No. 9628189  
Account: 310716  
Terms: Due Upon Receipt

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**FOR PROFESSIONAL SERVICES RENDERED through December 31, 2014, including:**

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**MATTER NO.: 000004**

**FEDERAL MARITIME COMMISSION**

**For Professional Fees:**

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Fees</u>	<u>Description of Services</u>
11/04/14	L. Nelson	0.40	168.00	Discuss IFS responses to interrogatories and document requests and next steps with E. Jeffrey. Communications with A. Twaits and K. Fischer regarding same.
11/04/14	E. Jeffrey	0.30	175.50	Disc. L. Nelson regarding IFS response to interrogatories, next steps.
11/06/14	E. Jeffrey	0.60	351.00	Review decision on motion to dismiss, including e-mail exchanges A. Twaits and L. Nelson regarding result and alternative next steps. E-mail exchange among counsel regarding discovery.
11/10/14	E. Jeffrey	3.60	2106.00	Prepare portion of motion for reconsideration, including review pleadings and research regarding standards for reconsideration.
11/11/14	E. Jeffrey	2.70	1579.50	Draft portion of motion for regarding reconsideration.
11/12/14	L. Nelson	0.40	168.00	Review and edit draft of motion for reconsideration.

11/12/14	E. Jeffrey	0.10	58.50	E-mail exchange counsel for IFS and Edaf regarding exceptions.
11/13/14	E. Jeffrey	0.30	175.50	E-mail exchange K. Fischer regarding declaration (.2). Review L. Nelson changes to draft motion for reconsideration (.1).
11/18/14	L. Nelson	2.70	1134.00	Research and draft response to IFS motion regarding exceptions. Review and edit declaration for M. Pacheco Rivera. Draft motion to stay.
11/18/14	E. Jeffrey	0.50	292.50	Review IFS motion, including review draft response and e-mail exchanges L. Nelson.
11/19/14	E. Jeffrey	1.20	702.00	E-mail exchanges L. Nelson regarding response to IFS motion. Prepare motion for reconsideration, including e-mail exchange L. Nelson
11/20/14	L. Nelson	2.70	1134.00	Review and edit drafts of Motion to Stay, Motion for Reconsideration, and Declaration of M. Pacheco Rivera. Multiple communications relating to all. Review documents for use with Motion for Reconsideration.
11/20/14	E. Jeffrey	1.30	760.50	Edit motion for reconsideration. E-mail exchanges Crowley and disc. L. Nelson, including review documents.
11/21/14	L. Nelson	1.60	672.00	Edit and finalize motion for reconsideration and motion for stay. Draft letter to FMC regarding same. Multiple communications relating to same.
11/21/14	E. Jeffrey	1.10	643.50	Final edits to motions for stay and reconsideration, including multiple disc. L. Nelson.
11/24/14	L. Nelson	0.50	210.00	Review, edit, and file supplement to Motion to Stay.
11/24/14	E. Jeffrey	1.00	585.00	Prepare supplement to motion for stay, including disc. L. Nelson.
11/25/14	L. Nelson	0.60	252.00	Review Order Denying Motion for Reconsideration. Communications regarding same. Draft motion to clarify or enlarge time for filing motion for leave to appeal.
11/25/14	E. Jeffrey	0.60	351.00	Review IFS notice of deposition. Review Order on Reconsideration, including disc. L. Nelson and G. Lang, and send with e-mail to A. Twaits.

11/26/14	L. Nelson	0.50	210.00	Review and edit CCL's Motion to Determine Date for Motion for Leave to Appeal. Review Order regarding same.
11/26/14	E. Jeffrey	0.80	468.00	Prepare and file motion to enlarge time to file motion for leave to appeal.
12/01/14	E. Jeffrey	1.00	585.00	Email to Crowley regarding alternative approaches to move forward.
12/02/14	E. Jeffrey	0.10	58.50	Review Email from IFS counsel.
12/03/14	E. Jeffrey	0.10	58.50	Email to L. Nelson. Review email from IFS counsel.
12/05/14	E. Jeffrey	0.50	292.50	Initial review Edaf discovery responses.
12/08/14	L. Nelson	1.90	798.00	Review discovery responses and attached exhibits from Edaf Antillas. Review notice filed by FMC. Call with counsel for IFS. Call with A. Twaits regarding next steps.
12/08/14	E. Jeffrey	1.20	702.00	Review Edaf discovery responses. Review IFS notice of deposition. Review FMC decision not to review partial dismissal. Telecons L. Nelson regarding next steps.
12/09/14	E. Jeffrey	0.40	234.00	Review emails from IFS and Edaf. Email to A. Twaits regarding next steps.
12/11/14	L. Nelson	0.50	210.00	Review and edit joint status report. Communications relating to same.
12/11/14	E. Jeffrey	0.50	292.50	Review J. Parks draft status report, including email exchanges J. Parks and disc. L. Nelson.
12/12/14	E. Jeffrey	0.30	175.50	Email exchanges J. Parks regarding status report, including review revised drafts. Email to A. Twaits regarding next steps.
12/17/14	E. Jeffrey	0.30	175.50	Email exchange K. Fischer regarding next steps. Review IFS postponement notice of deposition.
12/18/14	E. Jeffrey	0.10	58.50	Email exchange K. Fischer regarding next steps.
12/30/14	E. Jeffrey	0.30	175.50	Email exchange A. Twaits re possible motion for summary judgment, including disc. L. Nelson.

TOTAL HOURS: 30.70

TOTAL FEES: \$16,012.50

**TIMEKEEPER SUMMARY**

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<b><u>Counsel</u></b>			
E. Jeffrey	585.00	18.90	11,056.50
<b><u>Associates</u></b>			
L. Nelson	420.00	11.80	4,956.00
<b>Total All Timekeepers:</b>		<b><u>30.70</u></b>	<b><u>\$16,012.50</u></b>

<b>TOTAL FOR MATTER -- FEDERAL MARITIME COMMISSION:</b>	<b><u>\$16,012.50</u></b>
<b>Less Discount:</b>	<b><u>(\$5,000.00)</u></b>
<b>Total for matter:</b>	<b><u>\$11,012.50</u></b>

**TOTAL FOR STATEMENT: \$11,012.50**

**\*\*\*Nixon Peabody LLP Remittance Information \*\*\***  
**FEDERAL I.D. NO. 16-0764720**

Client: 310716

Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

Matter: 000004  
Invoice Number: 9628189  
Date of Invoice: 01/08/15  
Terms: Due Upon Receipt

Invoice Amount: \$ 11,012.50

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**NEW YORK, NY 10087-8012**

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San Francisco, CA 94111-3600  
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Mr. Alan R. Twaits  
Vice President & General Counsel  
Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

February 4, 2015  
Invoice No. 9634161  
Account: 310716  
Terms: Due Upon Receipt

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**FOR PROFESSIONAL SERVICES RENDERED through January 31, 2015, including:**

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**MATTER NO.: 000004**

**FEDERAL MARITIME COMMISSION**

**For Professional Fees:**

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description of Services</u>
01/05/15	E. Jeffrey	0.10	E-mail exchange A. Twaits regarding COGSA defense.
01/06/15	E. Jeffrey	0.10	E-mail exchange IFS counsel regarding upcoming status report, including disc. L. Nelson.
01/07/15	E. Jeffrey	0.20	E-mail exchanges among counsel regarding status report.
01/08/15	L. Nelson	1.80	Call with A. Twaits regarding status of matter. Prepare for and participate in call with counsel for Edaf and IFS regarding status report. Communications regarding same.
01/08/15	E. Jeffrey	1.80	Telephone conferences A. Twaits and Edaf/IFS regarding scheduling, including disc. L. Nelson. Review and comment on joint status report proposed by IFS. Review some documents produced by IFS, including disc. L. Nelson and e-mail to K. Fischer.
01/09/15	L. Nelson	0.40	Review and edit status report. Multiple communications with counsel for other parties relating to same.
01/09/15	E. Jeffrey	1.00	Review proposed joint status report, including e-mail exchanges counsel for IFS and Edaf.
01/12/15	E. Jeffrey	0.40	Joint Status report, including telephone conference Edaf and IFS and review draft report.
01/14/15	E. Jeffrey	0.20	Review scheduling Order, including disc. L. Nelson.
01/22/15	E. Jeffrey	0.20	Review e-mail from K. Fischer regarding documents.
01/28/15	E. Jeffrey	0.10	Discussion with L. Nelson regarding transcripts.
01/30/15	L. Nelson	0.50	Review documentation provided by CCL. Discuss next steps in matter with E. Jeffrey and A. Buckner.

01/30/15 E. Jeffrey 0.50 Meet with L. Nelson and A. Buckner to discuss next steps, transition. Review motion from IFS, including e-mail to L. Nelson, A. Buckner.

TOTAL HOURS: 7.30

TOTAL FEES: \$3,825.00

**TIMEKEEPER SUMMARY**

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<b><u>Counsel</u></b>			
E. Jeffrey	585.00	4.60	2,691.00
<b><u>Associates</u></b>			
L. Nelson	420.00	2.70	1,134.00
<b>Total All Timekeepers:</b>		<b><u>7.30</u></b>	<b><u>\$3,825.00</u></b>

**TOTAL FOR MATTER -- FEDERAL MARITIME COMMISSION:** \$3,825.00

**TOTAL FOR STATEMENT:** \$3,825.00





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FAX: (415) 984-8300

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Mr. Alan R. Twaits  
Vice President & General Counsel  
Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

March 9, 2015  
Invoice No. 9642598  
Account: 310716  
Terms: Due Upon Receipt

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**FOR PROFESSIONAL SERVICES RENDERED through February 28, 2015, including:**

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**MATTER NO.: 000004**

**FEDERAL MARITIME COMMISSION**

**For Professional Fees:**

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Fees</u>	<u>Description of Services</u>
02/02/15	A. Buckner	1.00	385.00	Legal research regarding introduction of new evidence or facts for the record in a brief or motion.
02/02/15	E. Jeffrey	1.40	819.00	Consider response to IFS motion regarding briefing, including discussion with A. Buckner and file notice with the FMC. E-mail to A. Twaits regarding schedule, possible conference call, settlement, and next steps.
02/03/15	A. Buckner	1.20	462.00	Legal research regarding law and CFR, looking for guidance on new evidence introduced in a brief.
02/03/15	E. Jeffrey	1.20	702.00	Review documents, including e-mail exchanges A. Buckner. E-mail to C. Matos with settlement offer.
02/04/15	E. Jeffrey	0.40	234.00	E-mail to Edaf regarding possible settlement.

02/05/15	E. Jeffrey	1.10	643.50	E-mail exchanges with C. Matos, S. Ficon and A. Twaits regarding possible settlement. E-mail to S. Ficon regarding status of case. Discussions with A. Buckner regarding research.
02/06/15	E. Jeffrey	2.50	1462.50	Prepare Crowley response to IFS request for relief.
02/09/15	E. Jeffrey	0.10	58.50	E-mail to S. Ficon regarding possible settlement.
02/12/15	E. Jeffrey	0.30	175.50	E-mail exchanges with Crowley regarding conference call and settlement, including e-mail to Edaf regarding settlement.
02/13/15	E. Jeffrey	0.60	351.00	Telephone conference with M. Pacheco, including preparations therefor.
02/17/15	E. Jeffrey	0.20	117.00	E-mail exchanges with A. Twaits and C. Matos regarding possible settlement.
02/18/15	E. Jeffrey	0.20	117.00	E-mail exchange with Edaf regarding settlement, including e-mail report to CCL.
02/20/15	E. Jeffrey	0.50	292.50	Review new document obtained by CCL, including provide same in discovery and e-mail exchange M. Pacheco.
02/24/15	E. Jeffrey	0.20	117.00	Review IFS motion to dismiss.
02/25/15	E. Jeffrey	2.40	1404.00	Prepare motion to dismiss for failure to prosecute, including research regarding same.
02/27/15	E. Jeffrey	0.10	58.50	E-mail exchange with A. Twaits regarding motions to dismiss.

TOTAL HOURS: 13.40

TOTAL FEES: \$7,399.00

**TIMEKEEPER SUMMARY**

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<b><u>Counsel</u></b>			
E. Jeffrey	585.00	11.20	6,552.00
<b><u>Associates</u></b>			
A. Buckner	385.00	2.20	847.00
<b>Total All Timekeepers:</b>		<b><u>13.40</u></b>	<b><u>\$7,399.00</u></b>

**For Charges and Disbursements:**

<u>Date</u>	<u>Description</u>	<u>Amount</u>
02/02/15	Federal Express; Invoice 293362161; Airbill 772791567040; 02/02/15; Shipped by D. Merritt to Federal Maritime Commission, Hon. Karen V. Gregory, 800 North Capitol St, Washington, DC 20573 US	8.45
02/05/15	Westlaw	50.00
02/06/15	Federal Express; Invoice 294110592; Airbill 772857245169; 02/06/15; Shipped by D. Merritt to Federal Maritime Commission, Hon. Karen V. Gregory, 800 North Capitol St, Washington, DC 20573 US	8.45
02/24/15	Westlaw	50.00
02/25/15	Federal Express; Invoice 295568381; Airbill 772994142370; 02/25/15; Shipped by D. Merritt to Federal Maritime Commission, Hon. Karen V. Gregory, 800 North Capitol St, Washington, DC 20573 US	8.45
<b>TOTAL CHARGES AND DISBURSEMENTS</b>		<b>\$125.35</b>

**TOTAL FOR STATEMENT: \$7,524.35**

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Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

Matter: 000004  
Invoice Number: 9642598  
Date of Invoice: 03/09/15  
Terms: Due Upon Receipt

Invoice Amount: \$ 7,524.35

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Mr. Alan R. Twaits  
Vice President & General Counsel  
Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

April 8, 2015  
Invoice No. 9648920  
Account: 310716  
Terms: Due Upon Receipt

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**FOR PROFESSIONAL SERVICES RENDERED through March 31, 2015, including:**

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**MATTER NO.: 000004**

**FEDERAL MARITIME COMMISSION**

**For Professional Fees:**

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Fees</u>	<u>Description of Services</u>
03/01/15	E. Jeffrey	1.00	585.00	Review ALJ order to show cause, including discuss supplemental briefing with A. Buckner, e-mail exchange J. Parks and send to CCL with e-mail.
03/06/15	A. Buckner	1.00	385.00	Review and analysis of legal research (legislative history, CFR, and case law) regarding retroactive application of new law.
03/09/15	A. Buckner	0.50	192.50	Review and analysis of legal research (case law) regarding retroactive application of new law.
03/09/15	E. Jeffrey	2.60	1521.00	Research regarding application of Shipping Act amendment authorizing attorney's fees, including discussion with A. Buckner.
03/17/15	A. Buckner	1.00	385.00	Legal research regarding retroactivity of attorney's fees statutes. Draft of brief in support of attorney's fees.

03/18/15	A. Buckner	1.80	693.00	Draft brief in support of attorney's fees. Edits to brief per comments by E. Jeffrey. Additional legal research and analysis.
03/18/15	E. Jeffrey	1.30	760.50	Edit brief on attorney's fees, including discussion with A. Buckner.
03/19/15	A. Buckner	0.60	231.00	Further edits to supplemental brief in support of attorney's fees.
03/19/15	E. Jeffrey	2.20	1287.00	Edit brief on attorney's fees, including discussion with A. Buckner.
03/27/15	E. Jeffrey	0.10	58.50	E-mail exchange K. Fischer re status.

TOTAL HOURS: 12.10

TOTAL FEES: \$6,098.50

**TIMEKEEPER SUMMARY**

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<b><u>Counsel</u></b>			
E. Jeffrey	585.00	7.20	4,212.00
<b><u>Associates</u></b>			
A. Buckner	385.00	4.90	1,886.50
<b>Total All Timekeepers:</b>		<b><u>12.10</u></b>	<b><u>\$6,098.50</u></b>

**For Charges and Disbursements:**

<u>Date</u>	<u>Description</u>	<u>Amount</u>
03/09/15	Westlaw	150.00
03/19/15	Federal Express; Invoice 297792542; Airbill 773166603018; 03/19/15; Shipped by D. Merritt to Federal Maritime Commission, Hon. Karen V. Gregory, 800 North Capitol St, Washington, DC 20573 US	8.28
<b>TOTAL CHARGES AND DISBURSEMENTS</b>		<b><u>\$158.28</u></b>

**TOTAL FOR STATEMENT: \$6,256.78**

**\*\*\*\*Nixon Peabody LLP Remittance Information \*\*\*\***  
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Client: 310716  
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Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

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Invoice Number: 9648920  
Date of Invoice: 04/08/15  
Terms: Due Upon Receipt

Invoice Amount: \$ 6,256.78

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Vice President & General Counsel  
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9487 Regency Square Boulevard  
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May 7, 2015  
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**FEDERAL MARITIME COMMISSION**

**For Professional Fees:**

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Fees</u>	<u>Description of Services</u>
04/15/15	E. Jeffrey	0.60	351.00	Initial review ALJ Order of dismissal, including discussion with A. Buckner and e-mail exchange A. Twaits.
04/16/15	E. Jeffrey	0.30	175.50	Review Order of Dismissal.

TOTAL HOURS: 0.90

TOTAL FEES: \$526.50

**TIMEKEEPER SUMMARY**

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<b><u>Counsel</u></b>			
E. Jeffrey	585.00	0.90	526.50
<b>Total All Timekeepers:</b>		<b><u>0.90</u></b>	<b><u>\$526.50</u></b>

**TOTAL FOR STATEMENT: \$526.50**

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Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

Matter: 000004  
Invoice Number: 9656607  
Date of Invoice: 05/07/15  
Terms: Due Upon Receipt

Invoice Amount: \$ 526.50

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(Wire/ACH) ABA Routing #: 021000021  
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Account #: 938761475  
SWIFT Code: CHASUS33  
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Fax: (585) 672-6778

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Total Amount Of Payment: \$ \_\_\_\_\_

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Card #: \_\_\_\_\_

Expiration Date: \_\_\_\_ - \_\_\_\_                      Security Code: \_\_\_\_ - \_\_\_\_

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Mr. Alan R. Twaits  
Vice President & General Counsel  
Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

June 4, 2015  
Invoice No. 9664979  
Account: 310716  
Terms: Due Upon Receipt

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**MATTER NO.: 000004**

**FEDERAL MARITIME COMMISSION**

**For Professional Fees:**

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Fees</u>	<u>Description of Services</u>
05/18/15	E. Jeffrey	0.50	292.50	Review Notice Not To Review, including e-mail to A. Twaits regarding Crowley options.
TOTAL HOURS:		<u>0.50</u>		
			TOTAL FEES:	<u>\$292.50</u>

**TIMEKEEPER SUMMARY**

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<b><u>Counsel</u></b>			
E. Jeffrey	585.00	<u>0.50</u>	<u>292.50</u>
<b>Total All Timekeepers:</b>		<b><u>0.50</u></b>	<b><u>\$292.50</u></b>

**TOTAL FOR STATEMENT: \$292.50**

\*\*\*\*Nixon Peabody LLP Remittance Information \*\*\*\*  
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Client: 310716  
Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

Matter: 000004  
Invoice Number: 9664979  
Date of Invoice: 06/04/15  
Terms: Due Upon Receipt

Invoice Amount: \$ 292.50

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NEW YORK, NY 10087-8012

Invoice(s) Paid: \_\_\_\_\_

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**Electronic Payment:** Bank Name: JPMorgan Chase Bank, Rochester, NY 14643  
(Wire/ACH) ABA Routing #: 021000021  
Account Name: Nixon Peabody LLP  
Account #: 938761475  
SWIFT Code: CHASUS33  
Invoice(s) Paid: *To be included in electronic payment's addenda information.*

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BOSTON, MA 02110-2131  
Phone: (617) 345-1100  
Fax: (585) 672-6778

Invoice(s) Paid: \_\_\_\_\_

Total Amount Of Payment: \$ \_\_\_\_\_

VISA    Master Card    Discover    American Express

Card #: \_\_\_\_\_

Expiration Date: \_\_\_\_ - \_\_\_\_                      Security Code: \_\_\_\_ - \_\_\_\_

Signature: \_\_\_\_\_



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One Embarcadero Center  
18th Floor  
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Mr. Alan R. Twaits  
Vice President & General Counsel  
Crowley Maritime Corporation  
Crowley Marine Services  
9487 Regency Square Boulevard  
Jacksonville, FL 32225

June 15, 2015  
Invoice No. 9669492  
Account: 310716  
Terms: Due Upon Receipt

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**FOR PROFESSIONAL SERVICES RENDERED through June 15, 2015, including:**

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**MATTER NO.: 000004**

**FEDERAL MARITIME COMMISSION**

**For Professional Fees:**

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Fees</u>	<u>Description of Services</u>
06/04/15	E. Jeffrey	0.10	58.50	E-mail to A. Buckner regarding research tasks for petition for attorney's fees.
06/05/15	A. Buckner	1.10	423.50	Legal research regarding method of calculating attorney fees used by the FMC. Legal research regarding whether petition may include fees involving work drafting and researching petition. Draft summary.
06/08/15	E. Jeffrey	0.40	234.00	Review cases regarding FMC attorney's fees.
06/09/15	E. Jeffrey	0.60	351.00	Review IFS petition for attorney's fees, including discussion with A. Buckner.
06/10/15	A. Buckner	2.70	1039.50	Review of ALJ Initial Decision regarding attorney fees. Review of IFS petition. Draft of petition for attorney's fees.
06/10/15	E. Jeffrey	0.20	117.00	Discussion with A. Buckner regarding petition for attorney's fees.

06/11/15	A. Buckner	2.00	770.00	Continue draft of petition for attorney's fees. Updated to draft per comments and edits by E. Jeffrey. Legal research on FMC use of Laffey matrix.
06/11/15	E. Jeffrey	1.40	819.00	Edit petition for attorney's fees, including discussion with A. Buckner.
06/12/15	A. Buckner	0.80	308.00	Draft declaration; edits to petition per comments by E. Jeffrey.
06/12/15	E. Jeffrey	1.60	936.00	Edit motion for attorney fees.
06/13/15	A. Buckner	0.40	154.00	Review of Declaration in support of petition for attorney fees; edits to petition and declaration per comment by E. Jeffrey.
06/13/15	E. Jeffrey	0.70	409.50	Edit Declaration in support of attorney's fees.
06/15/15	A. Buckner	1.00	385.00	Edits to Declaration in support of petition for attorney's fees per E. Jeffrey edits; Final review of petition; filing.
06/15/15	E. Jeffrey	0.80	468.00	Finalize petition for attorney's fees, including edit Declaration and discuss with A. Buckner.

TOTAL HOURS: 13.80

TOTAL FEES: \$6,473.00

**TIMEKEEPER SUMMARY**

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<b><u>Counsel</u></b>			
E. Jeffrey	585.00	5.80	3,393.00
<b><u>Associates</u></b>			
A. Buckner	385.00	8.00	3,080.00
<b>Total All Timekeepers:</b>		<b><u>13.80</u></b>	<b><u>\$6,473.00</u></b>

**TOTAL FOR STATEMENT: \$6,473.00**

