

Federal Maritime Commission
Washington, D.C.

Edaf Antillas, Inc.,

Docket No. 14-04

Complainant

v.

**Crowley Caribbean Logistics, LLC,
IFS International Forwarding, S.L.
and IFS Neutral Maritime Services,**

Respondents.

**IFS INTERNATIONAL FORWARDING, S.L.'s AND IFS
NEUTRAL MARITIME SERVICE, INC.'S MOTION TO ENLARGE TIME
FOR FILING AN APPEAL OF THE ORDER ON MOTIONS TO DISMISS**

Respondents IFS International Forwarding, S.L. and IFS Neutral Maritime Service, Inc. (collectively, "IFS"), by and through their attorneys, Betancourt, Van Hemmen, Greco & Kenyon LLC, hereby moves the Federal Maritime Commission ("Commission") for an Order pursuant to Rule 102 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.102, to enlarge the time for filing an appeal/exceptions of the November 6, 2014 Order of the Administrative Law Judge ("ALJ") on respondents' Motions to Dismiss ("Order"). The present deadline for filing an appeal or exceptions is November 28, 2014. IFS moves for extension of this deadline by one week to December 5, 2014. Complainant Edaf Antillas, Inc. ("Edaf") and co-respondent Crowley Caribbean Logistics, LLC ("CCL") have

consented to this extension.

IFS' RIGHT TO APPEAL THE NOVEMBER 6, 2014 DECISION AT THIS TIME

On November 6, 2014 the ALJ issued the Order granting in part IFS' and CCL's motions to dismiss. Commission Rule 227 applies to orders of dismissal by the ALJ. Commission Rule 227(b)(1) states: "If an administrative law judge has granted a motion for dismissal of the proceeding in whole or in part, any party desiring to appeal must file such appeal no later than twenty-two (22) days after service of the ruling on the motion in question." (Emphasis added.) We read this Rule as requiring any party (including respondents) to file their appeals on a motion to dismiss that has been granted in whole or in part (including where the ALJ has denied a respondent's motion to dismiss a claim) within 22 days. IFS plans to appeal at this time the order of the ALJ to the extent it has not granted certain parts of IFS' motion to dismiss.

We are aware, however, of another interpretation of the Commission's Rules where Rule 153 takes precedence in these situations where a respondent's motion to dismiss has been denied in part. Rule 153 can be read to require approval of the ALJ to file interlocutory appeals in such cases where a respondent's request for dismissal has been denied. If that is the case, IFS would have no appeal as of right at this time under Rule 227 and the present deadline of November 28, 2014 would not apply to an appeal by IFS of the ALJ's November 6, 2014 Order. This request for enlargement of time would also be moot.

Accordingly, IFS seeks clarification from the Commission whether it has the right at this time to appeal from the ALJ's November 6, 2014 Order or must wait until the conclusion of proceedings before the ALJ.

IFS' REQUEST TO ENLARGE TIME

Commission Rule 102 sets forth the requirements for seeking an enlargement of time "for the filing of any pleading or other document" 46 C.F.R. § 502.102(a). A motion seeking an enlargement of time must be submitted at least five (5) days before the scheduled date for filing. IFS' motion is timely submitted. As per Commission Rule 227(b)(1), any appeal of the Order is not due until November 28, 2014. Additionally, the online docket lists November 28, 2014 as the date any exceptions to the Order are due.

Good cause exists for enlarging the time for parties to file appeals of the Order. The current filing deadline of November 28, 2014 falls the day after Thanksgiving. Counsel for IFS has previous plans to be out of the office for much of that week. Additionally, the undersigned currently has opposition papers due on November 28, 2014, in a New Jersey state court matter. Although the undersigned has sought an adjournment of that date as well, we have yet to receive consent in that matter for such adjournment.

Accordingly, IFS respectfully requests that the Commission allow a one-week extension, until December 5, 2014 to file an appeal or exceptions to the November 6, 2014 Order.

Respectfully Submitted,



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Dated: November 18, 2014

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing IFS International Forwarding, S.L.'s and IFS Neutral Maritime Service, Inc.'s Motion to Enlarge Time for Filing an Appeal of the Order on Motions to Dismiss upon the following addressees by e-mail:

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Dated: November 18, 2014



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