

**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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**MOTION OF RESPONDENT CROWLEY CARIBBEAN LOGISTICS, LLC TO  
DETERMINE DATE FOR FILING MOTION FOR LEAVE TO APPEAL**

Respondent Crowley Caribbean Logistics (“CCL”) anticipates filing a motion for leave to appeal the Presiding Judge’s November 25, 2014 Order denying CCL’s Motion for Reconsideration on the ground, among others, that the Presiding Judge committed a clear error of law by applying the standards and procedures of Rule 12(b)(6) (failure to state a claim) to a matter governed by Rule 12(b)(1) (lack of subject matter jurisdiction). To avoid any possible uncertainty as to when that motion is due, CCL hereby requests the Presiding Judge to determine the date by which CCL must file its appeal motion.

Rule 153 provides that a party may file a motion for leave to appeal within “fifteen (15) days after written service or oral notice of the ruling in question.” 46 C.F.R. § 502.153. As the ruling that CCL seeks to appeal is the November 25 Order on Reconsideration, a straightforward reading of Rule 153 shows that CCL’s proposed motion is due December 10, 2015.

If the Presiding Judge disagrees with CCL’s understanding of Rule 153, CCL moves in the alternative to enlarge and set the time for filing the proposed motion. Respondents IFS International Forwarding, S.L. and IFS Neutral Maritime Service have already requested, and

received, an extension of time until December 5, 2014 to file a motion for leave to appeal the Presiding Judge's November 6, 2014 Order on Motions to Dismiss. Fundamental fairness dictates that CCL, which is subject to the same holiday considerations as IFS, receive an extension of equal length from the date of filing the request for time. As the IFS motion was filed November 18, and this motion on November 26 – a difference of eight days – CCL should be allowed to file its motion for leave to appeal on December 15, 2014 (December 13 falls on a Saturday). Alternatively, measured by the date extension is granted, IFS was granted 14 days to file, so the date for CCL should be 14 days after the order is issued.

Dated: November 26, 2014

Respectfully submitted,

BY: 

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*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>1</sup>

Dated at Washington, DC, this 26 day of November 2014.

  
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Eric C. Jeffrey  
Counsel for Crowley Caribbean Logistics, LLC

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<sup>1</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.