

S E R V E D
April 3, 2015
FEDERAL MARITIME COMMISSION

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DOCKET NO. 14-06

**SANTA FE DISCOUNT CRUISE PARKING, INC., d/b/a EZ CRUISE PARKING;
LIGHTHOUSE PARKING INC.; and
SYLVIA ROBLEDO d/b/a 81st DOLPHIN PARKING**

v.

**THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES; and
THE GALVESTON PORT FACILITIES CORPORATION**

ORDER QUASHING SUBPOENA ISSUED TO ELIZABETH C. STARKEY

On March 2, 2015, I signed a subpoena that was prepared by respondents the Board of Trustees of the Galveston Wharves and The Galveston Port Facilities Corporation. 46 C.F.R. Part 502, Subpart I. The subpoena ordered Elizabeth C. Starkey, who is not a party, to produce documents. The subpoena was returned to counsel for Respondents for service. Respondent has filed a return of service indicating that on March 19, 2015, the subpoena was served on Ms. Starkey.

On March 31, 2015, the Secretary received a letter dated March 24, 2015, from Ms Starkey. The letter is addressed to me. The letter states:

I am unable to comply with this subpoena:

A process server handed me the attached 3 pages on March 19, 2015, even though the date on the second page is March 2, 2015.

The second paragraph refers to "documents reference in attached Exhibit A". However, no exhibits were attached.

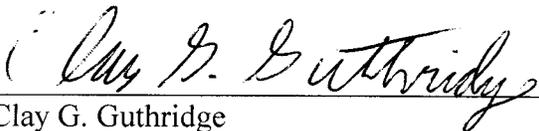
There is not an address or telephone number on any of the three pages, so I looked up your name on the internet to get an address and am mailing my Response to you.

(Letter dated March 24, 2015, from Elizabeth C. Starkey to Administrative Law Judge Clay G. Guthridge.) The three pages attached to her letter include the two-page subpoena that I signed and a blank certificate of service for the subpoena. Ms. Starkey represents that she received three pages that did not include Exhibit A referenced in and attached to the subpoena identifying the documents sought by the subpoena.

I treat Ms. Starkey's letter as a motion to quash the subpoena. 46 C.F.R. § 502.132. As Ms. Starkey states, there is no address or telephone number on the subpoena where she was "commanded . . . to produce and permit Respondents to inspect and copy" the documents listed in Exhibit A, whether or not she received the exhibit. Without this information, Ms. Starkey cannot comply with the subpoena. I find that since the subpoena did not have the information telling Ms. Starkey where to produce the documents, I should not have signed it. In this circumstance, I can decide this motion to quash without seeking a response from Respondents. Therefore, it is hereby

ORDERED that the letter dated March 24, 2015, from Elizabeth C. Starkey to Administrative Law Judge Clay G. Guthridge, be construed as a motion to quash the subpoena issued to Elizabeth C. Starkey on March 2, 2015, and served on Ms. Starkey March 19, 2015. It is

FURTHER ORDERED that the subpoena issued to Elizabeth C. Starkey on March 2, 2015, and served on Ms. Starkey March 19, 2015, be **QUASHED**. Ms. Starkey need not respond further to this subpoena.


Clay G. Guthridge
Administrative Law Judge