

FEDERAL MARITIME COMMISSION

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**

**RESPONDENTS THE BOARD OF TRUSTEES OF THE GALVESTON
WHARVES AND THE GALVESTON PORT FACILITIES CORPORATION
MOTION FOR LEAVE TO FILE CORRECTED DOCUMENTS**

COME NOW The Board of Trustees of the Galveston Wharves (“Wharves”) and the Galveston Port Facilities Corporation (“GPFC”), respondents in the above entitled and numbered cause, by and through their attorneys, Anthony P. Brown and Wm. Hulse Wagner, who file this Motion for Leave to File Corrected Documents, as follows:

I.

Respondents served their Response Brief, their Proposed Findings of Fact, their Response and Opposition to Complainants’ Proposed Findings of Fact, and their Appendix on June 1, 2015.

II.

Respondents’ counsel recently determined that there were errors in the Appendix page references to Respondents’ Proposed Findings of Fact. These errors relate primarily

to issues in the system counsel used to translate prior Bates numbers into Appendix pagination, and the transmittal thereafter into Respondents' Proposed Findings of Fact. As a result there were errors in approximately 1/3 of the citations set out in the Proposed Findings of Fact. Unfortunately, spot checks performed prior to submittal did not reveal this. A list of the specific corrections made to Respondents' Proposed Findings of Fact are attached hereto as Exhibit A. Additionally, Respondents' Corrected Proposed Findings of Fact are attached hereto as Exhibit B; in this document, each change made from the original document has been highlighted, so that specific changes can be noted.

There are no substantive changes or additional citations made to the original document; the changes are solely to correct citations included therein to the original Appendix previously submitted in this Proceeding.

III.

In undertaking this process, Respondents also reviewed their Response and Opposition to Complainants' Proposed Findings of Fact (the "Response and Opposition"). The issues discussed above revealed a relatively small number of "Tab" corrections in the Response and Opposition. Respondents have prepared a corrected version of this document as well. A list of the specific corrections are attached hereto as Exhibit C, and Respondents' Corrected Response and Opposition is attached hereto as Exhibit D. In Exhibit D, each change made from the original document has been highlighted, so that specific changes can be noted.

Additionally, the original Response and Opposition followed the format provided in Complainants' Proposed Findings of Fact. Specifically, references were made simply to "Tab" numbers in the Appendix, without specific page references. Since Corrections

were already warranted, Respondents' counsel has also included specific Appendix page numbers along with the "Tab" numbers, for easier access by the Administrative Law Judge and all counsel.

Again, there are no substantive changes or additional citations made to the original document; the changes are solely to correct prior citations, and to add specific page number references to those same prior citations.

IV.

Finally, the errors set out above were carried over into Respondents' Response Brief, since the same citation system was used. Thus, the same corrections have been made to the Response Brief. A list of the specific corrections are attached hereto as Exhibit E, and Respondents' Corrected Response Brief is attached hereto as Exhibit F. In Exhibit F, each change made from the original document has been highlighted, so that specific changes can be noted.

As with Respondents' Proposed Finding of Facts and Response and Opposition discussed above, there are no substantive changes or additions.

V.

Respondents' counsel frankly and candidly regrets that this problem occurred and was not caught before the original documents were submitted. However, having discovered this issue, counsel felt that the only appropriate response was to make the needed corrections, and submit them in this manner. Accordingly, Respondents respectfully request that leave to file the corrected documents attached hereto as Exhibits B, D and F be granted, so that this proceeding may be decided on properly demonstrated facts and evidence. Although these documents are not technically, pleadings, the relief

requested herein is consistent with the mandate of Rule 15(a)(2), which states, "The Court should freely grant leave [to amend pleadings] when justice so requires."

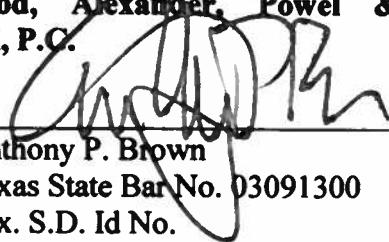
VI.

WHEREFORE, PREMISES CONSIDERED, Respondents pray that the Administrative Law Judge grant them leave to file the corrected documents attached to this Motion as Exhibits B, D and F, and that they be granted such other and further relief as the Commission may deem just and proper.

Dated: June 12, 2015.

Respectfully submitted,

McLeod, Alexander, Powel & Apffel, P.C.

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ATTORNEYS FOR THE BOARD OF
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WHARVES

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed this document on this 12th day of June, 2015, and that a true and correct copy of the foregoing was served on all counsel of record *via* certified mail – return receipt requested and email, as indicated below:

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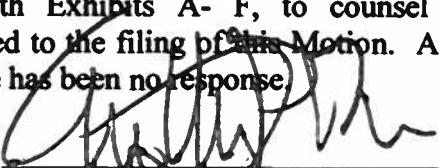
ATTORNEYS FOR COMPLAINANTS



ANTHONY P. BROWN

CERTIFICATE OF CONFERENCE

On June 10, 2015, counsel for Respondents tendered a copy of said Motion for Leave to File Corrected Documents, along with Exhibits A- F, to counsel for Complainants asking whether or not he was opposed to the filing of this Motion. As of the date and time of the service of this Motion, there has been no response.



ANTHONY P. BROWN