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January 2, 2015					
FEDERAL MARITIME COMMISSION					

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DOCKET NO. 14-10

ECONOCARIBE CONSOLIDATORS, INC.

v.

AMOY INTERNATIONAL, LLC

**ORDER ON MOTION TO EXTEND TIME TO OPPOSE
COMPLAINANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

On December 31, 2014, Respondent Amoy International, LLC filed a motion seeking to extend the time to file an opposition to Complainant Econocaribe Consolidators, Inc.'s Motion for Partial Summary Judgment. Respondent seeks to extend the time to respond to the motion from January 6, 2015, to January 26, 2015, because of mediation scheduled for January 8, 2015. Respondent indicates that Complainant has agreed to the request.

This proceeding was initiated by a complaint which was served on August 14, 2014. The proceeding has been pending for over four months and the most recent status report indicates that the parties have exchanged the first round of discovery requests and responses and that pending discovery requests will be produced prior to mediation. Joint Status Report, filed December 2, 2014.

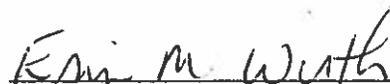
The Commission ordered that the initial decision in this matter be issued by August 15, 2015. The Scheduling Order issued in this proceeding on October 2, 2014, indicates that the "proposed schedule does not permit enough time to brief and issue a decision in this proceeding by the Commission's deadline of August 15, 2015. Therefore, the dates have been modified to assure that the parties resolve the proceeding in an expeditious manner. To assist the parties in planning and to ensure timely completion of the case, the final briefing schedule is included."

The Scheduling Order requires discovery to be completed by February 1, 2015, so that the parties can begin final briefing starting on March 1, 2015. To resolve the proceeding in a timely fashion, the parties will need to complete discovery while the summary judgement motion is pending.

Respondent provides good cause for a brief extension of the due date for filing the summary judgement opposition. However, the length of the requested extension is not justified and will hinder the parties' ability to resolve this proceeding in a timely fashion. Accordingly, an extension will be granted only to January 19, 2015.

The parties are reminded that a "scheduling order 'is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded by counsel without peril.'" *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992) (quoting *Gestetner Corp. v. Case Equipment Co.*, 108 F.R.D. 138, 141 (D. Me. 1985)). Moreover, "[p]arties cannot control an agency's docket or procedures through agreement among themselves." *Simmons v. United States*, 698 F.2d 888, 893 (7th Cir. 1983). Under the Commission Rules, the presiding officer has the authority to "regulate the course of the hearing" and to "fix the time for filing briefs, motions, and other documents to be filed in connection with hearings and the administrative law judge's decision thereon." 46 C.F.R. § 502.147(a). The authority of courts to control their dockets is well settled. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-31 (1962); *United States v. Hughey*, 147 F.3d 423, 429 (5th Cir. 1998). Failure to follow the Scheduling Order may result in sanctions.

For the reasons stated above, it is hereby **ORDERED** that the motion seeking an extension of time be **GRANTED IN PART AND DENIED IN PART**. The due date for the opposition to Complainant's summary judgement motion is January 19, 2015. The parties are **FURTHER ORDERED** to continue discovery while the motion is pending and to be prepared to follow the briefing schedule in the October 2, 2014, Scheduling Order.



Erin M. Wirth
Administrative Law Judge