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Federal Maritime Commission
Office of the Secretary

**BEFORE THE
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**

Complainants

v.

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

Respondents

JOINT STATUS REPORT

Complainants Santa Fe Discount Cruise Parking Inc. d/b/a EZ Cruise Parking, Lighthouse Parking, Inc. and Sylvia Robledo d/b/a 81st Dolphin Parking and Respondents The Board of Trustees of the Galveston Wharves (“Board of Trustees”) and Galveston Port Facilities Corporation (“GPFC”) hereby submit this joint status report pursuant to 46 C.F.R. § 502.201(h) and the Order on Pending Motions and Partial Dismissal issued by Administrative Law Judge Guthrie on or about November 21, 2014.

1. Status of this Action, Discovery, and any Pending Motions

Since the Parties filed their previous Joint Status Report on October 31, 2014, the following events have occurred:

- A. Since early October, Complainants have attempted to schedule the depositions of Respondents’ representatives, Mark Murchison and Mike Mierzwa. On October 21, 2014,

Respondents filed a Motion to Dismiss Complainants' claims. At or about the same date, Complainants filed a Motion for Leave to file an Amended Complaint. On October 31, 2014, the Parties filed a Joint Status Report, in which they jointly requested that the scheduling order entered on September 30, 2014, be temporarily abated pending rulings on these motions.

- B. Despite this abatement request, Counsel for Complainants sought to take the depositions of Port Director Michael Mierzwa and Port Director Mark Murchison in November. On November 12, 2014, counsel for Respondents sent correspondence to Complainants' counsel stating that Mr. Murchison and Mierzwa would not be available until the week of December 1, 2014.
- C. As recently as November 21, 2014, Complainants' counsel sent correspondence to counsel for Respondents requesting confirmation as to Mark Murchison and Mike Mierzwa's availability for either December 3rd or 9th for depositions. Counsel for Respondents never responded to same. Respondents contend that this was because (1) Respondents were still waiting on numerous relevant documents from the Complainants have not yet produced, including communications between the parties, and (2) on November 21 counsel for Complainants advised that Complainant Lighthouse Parking no longer desired to prosecute this suit. Thereafter, Lighthouse Parking, Inc. apparently "changed its mind" and now desires to remain in the litigation. However, it now appears that Complainant Lighthouse Parking Inc. did not make its November 2014 payment into the registry of the Federal Court, as required by an Agreed Interim Order entered in *Santa Fe Discount Cruise Parking Inc. et al v. The Board of Trustees of the Galveston Wharves, et al*, C.A. 3:14-cv-00206 (S.D. Tex. August 5, 2014)..

D. Counsel for the parties have agreed to confer by January 2, 2015, on all outstanding discovery issues and scheduling of witness depositions.

E. On December 4, 2014, Complainants transmitted a confidential settlement offer to Respondents; counsel for Respondents presented this offer to the Board of Trustees during their meeting on December 18, 2014, and Respondents did not accept Complainants' offer.

2. Agreements Between Parties Relating to Discovery and the Scheduling Order in this Proceeding

The parties have reached an agreement to allow Complainants until January 2, 2015, to supplement their responses to written discovery prior to moving to compel same. Similarly, the parties have also agreed to allow Respondents until Jan. 2, 2015, to provide dates in January for Mark Murchison's and Mike Mierzwa's depositions. Respondents have also agreed to allow Complainants until January 2, 2015 to provide available dates in January, following the depositions of Mr. Murchison and Mr. Mierzwa, for the depositions of Charles Tompkins, Cynthia Tompkins a/k/a Cynthia Hayes, Jason Hayes, George Templeton, Sylvia Robledo, and each Complainant's corporate representatives on parking lot operations and financial information.

Dated: December 22, 2014.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed this document on this **22th day of December 2014**, 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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