

FEDERAL MARITIME COMMISSION

DOCKET NO. 15-03

**JOHN T. BARBOUR t/d/b/a BARBOUR AUTO GROUP; BARBOUR AUTO SALES;
BARBOUR SHIPPING; AND BARBOUR SHIPPING AND TRANSPORTATION INC. –
POSSIBLE VIOLATIONS OF
SECTIONS 8 AND 19 OF THE SHIPPING ACT**

BUREAU OF ENFORCEMENT'S SECOND STATUS REPORT

The Bureau of Enforcement (BOE) filed a status report in the above proceeding with the ALJ on July 23, 2015, advising that Respondent had failed to answer or otherwise reply to the Commission Order of Investigation and Hearing (Commission Order), the ALJ's Initial Order, or BOE's initial discovery requests. BOE has not served Respondent with additional discovery.

Given Respondent's failure to answer the Commission Order, on October 30, 2015, BOE filed with the ALJ and served on Respondent BOE's Motion For Decision On Default pursuant to 46 C.F.R. §502.63(4)(i). As BOE's motion is a dispositive motion, 46 C.F.R. §502.69(g), Respondent's reply was due within 15 days, 46 C.F.R. § 502.70(b), specifically, by November 16, 2015.¹

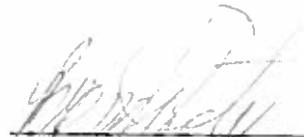
Respondent has failed to answer or otherwise respond to BOE's motion. Respondent's inaction continues to display indifference toward defending the allegations against him. 46 C.F.R.

¹ Fifteen (15) days from October 30, 2015 was November 14, 2015. As November 14, 2015 was a Saturday, Respondent's reply to BOE's motion was not due until Monday November 16, 2015. 46 C.F.R. § 502.101.

§502.65(a)(2) (a party may be found in default for failure to respond to a dispositive motion within the time provided or otherwise defend the proceeding).

Therefore, BOE respectfully submits that this proceeding is ripe for decision in accordance with the Commission's regulations.

Respectfully submitted,



Peter J. King, Director
Brian L. Troiano, Deputy Director
Brenda Doty, Attorney
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Bureau of Enforcement's Second Status Report was served upon John T. Barbour t/d/b/a Barbour Auto Group; Barbour Auto Sales; Barbour Shipping; and Barbour Shipping and Transportation Inc. at 146 South St. West, Raynham, MA 02767, and at 735 Pleasant St., Fall River, MA 02723 by first class U.S. mail with postage prepaid this 24th day of November, 2015.


Brenda Doty