

**FEDERAL MARITIME COMMISSION**

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**DOCKET NO. 1949(F)**

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**WALTER MUZORORI**

**v.**

**CANADA STATES AFRICA LINES INC. (CSAL)**

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**BRIEFING SCHEDULE**

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On December 23, 2014, the Commission received Walter Muzorori's initial filing of an informal complaint under Subpart S. On January 29, 2015, respondent Canada States Africa Lines, Inc., filed an objection to proceeding under Subpart S. On February 2, 2015, a Notice of Assignment was issued converting this to a formal proceeding under Subpart T and appointing the Administrative Law Judge. 46 C.F.R. § 502.311. On February 19, 2015, an Initial Order was served. On March 19, 2015, the parties both filed status reports.

On May 4, 2015, a pre-hearing conference was held to discuss the status of discovery and settlement negotiations. The parties indicated that no additional discovery was needed but that additional time for settlement discussions would be helpful. The parties were instructed that if they settled their dispute, they should file a motion seeking approval of the settlement agreement with a copy of the settlement agreement. The parties were advised that a Briefing Schedule would be issued if no settlement was reached by May 11, 2015. While the parties are encouraged to continue settlement discussions, at this point, it is necessary to begin briefing in the proceeding.

It is hereby **ORDERED** that the parties comply with the following deadlines:

June 15, 2015	Walter Muzorori files his Initial Brief and Appendix.
July 15, 2015	Canada States Africa Lines files its Opposition Brief and Appendix.
July 30, 2015	Walter Muzorori files his Reply Brief.

All briefs should be filed with the Secretary, served on the other party, and an electronic copy in a word-processing format should be sent to all parties *and to the Office of Administrative Law Judges*. The following requirements shall be followed when filing briefs:

**A. Initial Brief with Proposed Findings of Fact**

The Initial Brief should explain what evidence supports the Complainant's allegation that the Respondents violated the Shipping Act. This document should include: (1) introductory section describing the nature and background of the case, (2) proposed findings of fact in numbered paragraphs with citations to the Appendix, (3) argument based upon principles of law with appropriate citations of the authorities relied upon, and (4) conclusions.

**B. Opposition Brief with Response to Proposed Findings of Fact**

The Opposition Brief should explain what evidence supports the Respondent's allegation that they did not violate the Shipping Act. This document should include: (1) introductory section describing the nature and background of the case, (2) responses to Complainant's proposed findings of fact, and additional findings if necessary, in numbered paragraphs with citations to the Appendix, (3) argument based upon principles of law with appropriate citations of the authorities relied upon, and (4) conclusions.

**C. Reply Brief**

The Reply Brief should respond to the legal arguments discussed in Respondent's brief. This brief may include responses to any findings of fact proposed in the Opposition Brief but may not include new proposed findings of fact.

**D. Appendix<sup>1</sup>**

The documentary evidence on which a party bases its Proposed Findings of Fact must be included in an Appendix in the following format:

1. The cover of the appendix must identify the party or parties that prepared the appendix; *e.g.*, "Complainant's Appendix."
2. The pages of the appendix must be numbered sequentially.

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<sup>1</sup> The parties can see examples of the format required for the Proposed Findings of Fact ("Served October 4, 2007, Procedural Order, Attachment A Administrative Law Judge Tentative Findings of Fact") and the Appendix ("Served October 4, 2007, Procedural Order, Attachment A Administrative Law Judge Tentative Findings of Fact, Appendix") in the proceeding *Clutch Auto, Ltd. v. International Touch Consolidator, Inc.*, FMC No. 1880(F), accessed from the Commission's web site through "Docket Activity Logs."

3. The appendix must begin with a table of contents identifying each document and identifying the appendix page at which each document begins and noting if any pages are entitled to confidential treatment.
4. Each party must ensure that all documents in its appendix are legible.
5. The parties are instructed, to the extent practicable, to cite to a document in an appendix already in the record rather than include the same document in its own appendix. For instance, if Respondent contends that a document included in Complainant's appendix rebuts the evidence Complainant claims supports a proposed finding of fact, Respondent should cite to Complainant's appendix rather than include a second copy of the same document in its own appendix.
6. The parties should include in the appendix only those pages necessary to identify the document and support its proposed fact. For instance, if support for a party's proposed fact is found on pages 79 and 80 of a deposition transcript, the party should include the cover sheet, pages 79 and 80, and only those preceding and following pages necessary for context, not the entire deposition transcript.
7. If a party includes documents in a language other than English in its appendix, Commission Rule 7 provides:

Every document, exhibit, or other paper written in a language other than English and filed with the Commission or offered in evidence in any proceeding before the Commission under this part or in response to any rule or order of the Commission pursuant to this part, must be filed or offered in the language in which it is written and must be accompanied by an English translation thereof duly verified under oath to be an accurate translation.

46 C.F.R. § 502.7. Unless the document has already been translated by another party, the party who wants to use the document must supply the translation.

8. The parties must avoid including multiple copies of the same document in the appendix.

**E. Stipulations**

The parties may, by stipulation, agree upon any facts involved in the proceeding. 46 C.F.R. § 502.162. The parties are expected to attempt to narrow the issues and to shorten the proceeding by stipulations. Stipulations must be signed by the parties and should be included in the Appendix. This document must set forth stipulations in numbered paragraphs. Each paragraph must be limited as nearly as practicable to a single factual proposition. The parties must provide an electronic copy of the Stipulations in a word-processing format *to the Office of Administrative Law Judges*.

**F. Electronic Copies of Documents in a Word-Processing Format**

Electronic copies of documents in a word-processing format should be provided by email or on a portable electronic storage device. The parties are directed to consult with each other to determine the most practicable way to send electronic copies to each other. The parties are directed to send the electronic copy to the Office of Administrative Law Judges or send a portable electronic storage device directly to the Office of Administrative Law Judges.



Erin M. Wirth  
Administrative Law Judge