

S E R V E D
July 23, 2010
FEDERAL MARITIME COMMISSION

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WASHINGTON, D.C.

DOCKET NO. 08-03

MAHER TERMINALS LLC

v.

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

ORDER TO SUBMIT PROPOSED SCHEDULE

It is hereby

ORDERED that on or before August 20, 2010, the parties jointly file with the Secretary a proposed schedule setting forth a reasonable timetable for:

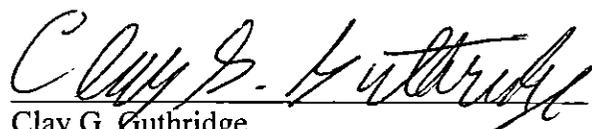
1. Completion of all discovery, including depositions of expert witnesses;
2. Filing of Complainant's Proposed Findings of Fact, Supporting Evidence, and Brief;
3. Filing of Respondent's Response to Complainant's Proposed Findings of Fact, Respondent's Proposed Findings of Fact, Respondent's Appendix, and Respondent's Brief;
4. Filing of Complainant's Reply to Respondent's Proposed Findings of Fact and Reply to Respondent's Brief.

The Notice of Filing of Complaint and Assignment states:

Hearing in this matter . . . shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements,

affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Maier Terminals LLC v. Port Authority of New York and New Jersey, FMC No. 08-03, Notice at 3 (FMC June 11, 2008) (Notice of Filing of Complaint and Assignment). Therefore, the parties are ordered to identify issues of material fact that believe cannot be resolved without oral testimony and cross-examination and/or state reasons why an oral hearing and cross-examination are necessary for the development of an adequate record.

A handwritten signature in cursive script, reading "Clay G. Guthridge".

Clay G. Guthridge
Administrative Law Judge