

FEDERAL MARITIME COMMISSION

Docket No. 06-10 – Transport Express, Inc. an The Intermodal Motor Carriers Conference, American Trucking Associations v. Sinotrans Container Lines Co., Ltd, and Sinotrans Shipping Agency (NA), Inc.

Docket No. 06-10

Served: February 16, 2007

ORDER DENYING OCEAN CARRIER EQUIPMENT MANAGEMENT ASSOCIATION, INC. MOTION TO FILE AMICUS BRIEF

The parties to this proceeding filed a Joint Motion for Approval of Settlement Agreement and Consent Order and Consent Motion to Extend Time on November 27, 2006. The presiding Administrative Law Judge served his Initial Decision on Proposed Settlement Agreement approving the settlement agreement on January 12, 2007. The Ocean Carrier Equipment Management Association, Inc. (“OCEMA”) submitted a Motion to File Amicus Brief on February 5, 2007. A Notice not to review the initial decision has been served concurrent with this Order.

In the initial decision, the Administrative Law Judge concluded that the proposed settlement agreement would save

the parties the time and expense required to litigate the action to a conclusion, and would control the risks of litigation through a negotiated outcome. He further concluded that the settlement does not appear to violate any law or policy, and nothing indicates that it resulted from fraud, duress, undue influence, mistake, or other defect. Finally, he concluded that the settlement agreement protects the public interest.

OCEMA's motion to file an amicus brief presents no basis for reviewing the initial decision approving the settlement. The decision is consistent with the Commission's policy to encourage settlements, thereby avoiding unnecessary litigation. Granting OCEMA's motion would compel further litigation of a proceeding which the parties themselves have moved to terminate. Such a result does not appear consistent with the law or Commission precedent encouraging settlements. *See, Old Ben Coal Company v. Sea-Land Service, Inc.*, 21 F.M.C. 506, 512 (1978).

THEREFORE, IT IS ORDERED, That OCEMA's motion to file an amicus brief is denied.

By the Commission.

A handwritten signature in black ink, appearing to read 'Bryant L. VanBrakle', written in a cursive style.

Bryant L. VanBrakle
Secretary