

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Washington, D.C.

AMERICAN WAREHOUSING OF NEW YORK, INC.  
Pier 5 Furman Street  
Brooklyn, New York

Complainant,

v.

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY,  
225 Park Avenue South  
New York, New York 10003

Respondent.

Docket No. 05-63

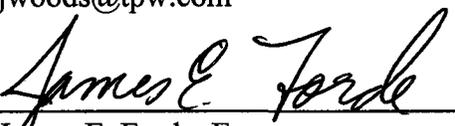
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FEDERAL MARITIME COMMISSION

**NOTICE OF APPEARANCE**

Please enter the following appearances in this proceeding as counsel of American Warehousing of New York, Inc. Counsel requests to be informed of service of the Administrative Law Judge's initial or recommended decision and of the Commission's decision in this proceeding by electronic mail.

Dated: June 13, 2005

  
\_\_\_\_\_  
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**ORIGINAL**

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Washington, D.C.

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FEDERAL MARITIME COMMISSION

AMERICAN WAREHOUSING OF NEW YORK,  
INC.  
Pier 5 Furman Street  
Brooklyn, New York 11201

Complainant,

v.

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY,  
225 Park Avenue South  
New York, New York 10003

Respondent.

Docket No. 05-63

**VERIFIED COMPLAINT OF  
AMERICAN WAREHOUSING  
OF NEW YORK, INC.**



THACHER PROFFITT & WOOD LLP  
John M. Woods  
James E. Forde  
Philip J. Bezanson  
Two World Financial Center  
New York, New York 10281  
*Attorneys for American Warehousing  
of New York, Inc.*

June 13, 2005



BEFORE THE  
FEDERAL MARITIME COMMISSION

Washington, D.C.

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AMERICAN WAREHOUSING OF NEW YORK, INC.  
Pier 5 Furman Street  
Brooklyn, New York 11201

Complainant,

v.

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY,  
225 Park Avenue South  
New York, New York 10003

Respondent.

Docket No. 05- 03

**VERIFIED COMPLAINT  
OF AMERICAN  
WAREHOUSING OF  
NEW YORK, INC.**

Complainant, American Warehousing of New York, Inc. by undersigned counsel, pursuant to Section 11 of the Shipping Act of 1984 (the "Act") as amended, 46 USC App. §1710(a), brings this complaint against Respondent, the Port Authority of New York and New Jersey, and in support thereof, states as follows.

Parties:

1. Complainant, American Warehousing of New York, Inc. ("American Warehousing") is a corporation organized and existing under the laws of the State New York.
2. American Warehousing is a Marine Terminal Operator ("MTO"), and also a "person", as defined by the Act.
3. American Warehousing is engaged in the foreign commerce of the United States, and is in the business of storing, handling, stevedoring and distributing cocoa and certain other commodities for the accounts of American Warehousing's customers, the

entities with which American Warehousing does business include importers, ocean common carriers, non vessel operating common carriers, ocean freight forwarders, MTOs and cargo shipping companies.

4. American Warehousing's principal place of business is Pier 5, Furman Street, Brooklyn, New York 11201.

5. Respondent, the Port Authority of New York and New Jersey (the "Port Authority"), is a body corporate and politic created by Compact between the States of New York and New Jersey with the consent of the Congress of the United States of America.

6. Respondent, the Port Authority, is a "marine terminal operator" as the term is defined under the Act.

7. The Port Authority was formed to provide, inter alia, efficient transportation and port commerce facilities and services that move people and goods within the New York-New Jersey region, and to facilitate access therefrom to rest of the nation and the world.

8. The Port Authority's principal place of business is 225 Park Avenue South, New York, New York 10003.

Jurisdiction:

9. Jurisdiction is proffered before the Federal Maritime Commission ("FMC") pursuant to Section 11 of the Act, 46 U.S.C. App. § 1710 because as alleged, the Port Authority has violated, and continues to violate Sections 10(d)(1), 10(d)(3) 10(d)(4), 10(b)(10) and 10(b)(13) of the Act, 46 U.S.C. App. §§ 1709(d)(1), 1709(d)(3), 1709(d)(4), 1709(b)(10) and 1709(b)(13), respectively.

Related Action:

10. On August 5, 2005 American Warehousing filed a Verified Complaint before the FMC (Docket No. 04-09). Within that proceeding, Complainant has alleged that the Port Authority's actions have been and continue to be discriminatory, unreasonable and in violation of the Act. Specifically, the Port Authority has unlawfully refused to deal or negotiate in good faith in respect of an extension/renewal of American Warehousing's lease for Pier 7 at the Brooklyn Marine Terminal. Additionally, the Port Authority has only been willing to entertain lease terms (including duration) which are discriminatory. Additionally, the Port Authority has refused to entertain offers for a commercially viable long term lease that would be consistent with the terms offered by the Port Authority to its other MTO tenants. The related action covers Shipping Act violations by the Port Authority which occurred prior to August 5, 2004.

11. There have also been two related eviction proceedings before the Housing Court in Brooklyn, where the Port Authority has sought to circumvent the authority of the FMC over this dispute and unilaterally evict American Warehousing from Pier 7.

Instant Action:

12. American Warehousing had a standing subtenancy at the property known as Pier 11 at the Brooklyn Marine Terminal in Brooklyn, New York. Such subtenancy agreement was with American Stevedoring, Inc., a related company to American Warehousing. This subtenancy existed with the ongoing approval of the Port Authority.

13. On December 15, 2004, American Stevedoring of New York, Inc. was forced to leave Pier 11. The Port Authority represented that American Stevedoring was required to leave because Pier 11 was required for cruise ships.

14. To date, Pier 11 remains vacant as does Pier 6. Moreover, the Port Authority has now confirmed that Pier 11 will play no part in the cruise ship operation. The Port Authority has indicated, and we have since learned, that Pier 11 will be transferred to a private development interest for residential uses other than cruise ships, including conversion to luxury residential towers.

15. It is common practice, that the Port Authority frequently encourages and allows tenants to utilize unoccupied or temporarily unused spaces to store excess cargo and accommodate seasonal increases in port/cargo operations. It is also common practice for the Port Authority to encourage its tenants to work together to accommodate each other in respect of the foregoing. This above practice is still followed by other MTOs who have leases with the Port Authority.

16. Since April 1, 2005, American Warehousing has made numerous attempts to engage the Port Authority regarding the use of currently vacant space as “swing space” at either Pier 6 or Pier 11 at the Brooklyn Marine Terminal. The Port Authority rebuffed these requests, failing to enter into any meaningful dialogue. As a result of this unlawful refusal to deal, American Warehousing has not been permitted to use the “swing space” from the Port Authority.

17. As a result of the above, from February through June 2005, American Warehousing has turned down numerous requests by its clients, both ocean carriers and shippers to receive vessels laden with loads of cocoa, and provide pier warehousing for same. This has amounted to significant loss of business.

18. On February 23, 2005, American Warehousing was granted a stay of the Brooklyn Housing Court proceedings pending a determination by the FMC concerning the allegations contained in the August 5, 2004 complaint.

19. Since the February 23, 2005 stay issued by Brooklyn Housing Court, the Port Authority has employed retributionary tactics designed to harass, intimidate and delay the operations of American Warehousing, in an apparent effort to drive American Warehousing out of business.

20. Since February 23, 2005, Port Authority employees have harassed and delayed trucks and other vehicles at Piers 5 and 7 in the Brooklyn Marine Terminal. As a primary example, the Port Authority has been limiting access to the Piers by reducing the area around the active cargo sheds that may be used for the standby/staging/parking of trucks, containers and other vehicles, allowing only one truck at a time to pick up cargo. Prior to February 23, 2005, American Warehousing had not been subject to such extreme limitations with respect to trucks, containers and other vehicles.

21. As a consequence, the processes of receiving, processing and picking up cargo at American Warehousing has been severely restricted and now has associated delays. American Warehousing's cocoa and lumber clients, customers and vendors have complained about this interference and have threatened to take their business elsewhere unless it stops.

22. Because the Port Authority actions, as described above, have reduced efficiencies and introduced delay, American Warehousing's clients' payments to American Warehousing have been delayed. As a result, American Warehousing's previously steady cash flow has been severely impacted.

23. Conversely, trucks, containers and other vehicles are granted unimpeded access to line up, stand by, be staged and/or pick up cargo at all the other MTOs in the Port of New York and New Jersey. In fact, on any given day, Maersk Terminals, an MTO in Port Newark which leases terminal space from the Port Authority has as many as thirty trucks waiting to pick up cargo.

24. As recently as June 9, 2005, the Port Authority prevented a ship laden with cocoa from discharging its cargo at Pier 7. This refusal further demonstrates another example of how the Port Authority continues to impede the day to day operations of American Warehousing since the Housing Court decision.

25. In addition, American Warehousing has persistently offered to negotiate a lease for any other space available, including Pier 6 and 11 only to be rebuffed by the Port Authority.

26. Also, since the February 23, 2005 the Port Authority has now selectively and disparately enforced operations rules of the terminal against American Warehousing. Specifically for example, the Port Authority is forcing American Warehousing to move containers and empty pallets from their temporary storage in common areas. Prior to the above ruling it was common of the Port Authority to allow this practice and they continue to allow other MTOs to do this.

27. Also, since the February 23, 2005 Brooklyn Housing Court decision, the Port Authority has been waging a campaign to discourage both current and potential clients from importing and storing their cargo at Piers 5 and 7.

28. Specifically, and by way of another example, the Port Authority has recently informed several of American Warehousing's clients who import cocoa and who

have been clients of American Warehousing for over eight years, that they should store their cargo elsewhere because the Port Authority is shutting down American Warehousing. These clients include, but are not limited to, E D & F Mann, Blommer Chocolate and The New York Board of Trade (formerly the Coffee, Sugar & Cocoa Exchange).

29. In addition, in a further attempt to pre-empt the FMC's ruling on their alleged Shipping Act violations by driving American Warehousing out of business, the Port Authority has moved to modify the stay in Brooklyn Housing Court to unilaterally double the rent for Pier 7, thus putting further financial pressure on American Warehousing.

**COUNT ONE: VIOLATIONS OF 46 U.S.C. APP. SECTION 1709(D)(1)**

30. Paragraphs 1 through 29 are incorporated herein by reference.

31. As a result of the above actions, the Port Authority has violated, and continues to violate Section 10(d)(1) of the Act, 46 U.S.C. App. §§ 1709(d)(1). The Port Authority has not provided any material or reasonable justification for its actions (i) in hampering operations at American Warehousing, (ii) delaying and/or denying berths to ships at American Warehousing, (iii) in its campaign to convince American Warehousing clients to take their business elsewhere, and (iv) its attempts to double the rent at Pier 7, and (v) engaging in various discriminatory, retaliatory or irrational behavior.

32. The Port Authority's actions have given American Warehousing's competitors in other terminals and geographic locations an unfair advantage in that they are able to conduct business in the New York-New Jersey area more efficiently because the Port Authority is not harassing them or their clients.

33. As a consequence, if the Port Authority does not immediately cease in their actions as described above American Warehousing will be forced out of business and over 300 jobs will be lost at the Brooklyn Marine Terminal.

**COUNT TWO: VIOLATION OF 46 U.S.C. APP. SECTION 1709(D)(4)**

34. Paragraphs 1 through 33 are incorporated herein by reference.

35. As a result of the above actions, the Port Authority has violated, and continues to violate Section 10(d)(4) of the Act, 46 U.S.C. App. §§ 1709(10)(d)(4). The Port Authority has not provided any material or reasonable justification for its actions (i) in hampering operations at American Warehousing, (ii) delaying and/or denying berth to ships at American Warehousing, (iii) in its campaign to convince American Warehousing clients to take their business elsewhere, (iv) its attempts to double the rent at Pier 7, and (v) engaging in various discriminatory, retaliatory or irrational behavior.

36. The Port Authority's actions have given American Warehousing's competitors in other terminals and geographic locations an unfair advantage in that they are able to conduct business in the New York-New Jersey area more efficiently because the Port Authority is not harassing them or their clients.

37. As a consequence, if the Port Authority does not immediately cease in their actions as described above American Warehousing will be forced out of business and over 300 jobs will be lost at the Brooklyn Marine Terminal.

**COUNT THREE: VIOLATION OF 46 U.S.C. APP. SECTION 1709(D)(3) AND 1709(B)(10)**

38. Paragraphs 1 through 37 are incorporated herein by reference.

39. As a result of the above actions, the Port Authority has violated, and continues to violate Section 10(d)(3) and 1709(b)(10) of the Act, 46 U.S.C. App. §§ 1709(d)(3) and 1709(b)(10). The Port Authority has not provided any material or reasonable justification for its actions (i) in hampering operations at American Warehousing, (ii) delaying and/or denying berth to ships at American Warehousing, (iii) in its campaign to convince American Warehousing clients to take their business elsewhere, (iv) its attempts to double the rent at Pier 7, and (v) engaging in various discriminatory, retaliatory or irrational behavior.

40. The Port Authority's actions have given American Warehousing's competitors in other terminals and geographic locations an unfair advantage in that they are able to conduct business in the New York-New Jersey area more efficiently because the Port Authority is not harassing them or their clients.

41. As a consequence, if the Port Authority does not immediately cease in their actions as described above American Warehousing will be forced out of business and over 300 jobs will be lost at the Brooklyn Marine Terminal.

**COUNT FOUR: VIOLATION OF 46 U.S.C. APP. SECTION 1709(D)(3) AND 1709 (B)(13)**

42. Paragraphs 1 through 41 are incorporated herein by reference.

43. As a result of the above actions, the Port Authority has violated, and continues to violate Section 10(d)(3) and 1709(b)(13) of the Act, 46 U.S.C. App. §§ 1709(10)(d)(3) and 1709(b)(13). The Port Authority has not provided any material or reasonable justification for its actions (i) in hampering operations at American Warehousing, (ii) delaying and/or denying berth to ships at American Warehousing, (iii) in its campaign to convince American Warehousing clients to take their business

elsewhere, (iv) its attempts to double the rent at Pier 7, and (v) engaging in various discriminatory, retaliatory or irrational behavior.

44. The Port Authority's actions have given American Warehousing's competitors in other terminals and geographic locations an unfair advantage in that they are able to conduct business in the New York-New Jersey area more efficiently because the Port Authority is not harassing them or their clients.

45. As a consequence, if the Port Authority does not immediately cease in their actions as described above American Warehousing will be forced out of business and over 300 jobs will be lost at the Brooklyn Marine Terminal.

46. Pursuant to 46 C.F.R. § 502.62(d) American Warehousing desires to have the hearing concerning the above at the New York City Law Offices of Thacher Proffitt & Wood LLP, located at Two World Financial Center, New York, New York 10281.

47. Pursuant to 46 C.F.R. § 502.62(e), no informal dispute resolution procedures were used nor did American Warehousing consult with the Commission for Dispute Resolution Specialist as this would be fruitless in light of both the above ongoing litigation and the persistent non-communicative conduct of the Port Authority.

WHEREFORE, Complainant prays the Respondent be required to answer the charges herein: that after a hearing, an order be made commanding Respondent:

(i) To cease all actions to terminate Complainant's leasehold relationship with Complainant;

(ii) To cease all actions designed to harass, intimidate and delay the operations of Complainant;

(iii) To establish and put in force such practices as the Commission determines to be lawful and reasonable;

(iv) Such other relief Commission may determine to be proper as reward or reparation;

(v) Such other and further order or orders be made as the Commission so determines to be appropriate.

Dated: New York, New York  
June 13, 2005

Respectfully submitted,

THACHER PROFFITT & WOOD LLP

A handwritten signature in black ink that reads "James E. Forde". The signature is written in a cursive style and is positioned above a horizontal line.

John M. Woods

James E. Forde

Philip J. Bezanson

Two World Financial Center

New York, New York 10281

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*Attorneys for American Warehousing of  
New York, Inc.*

VERIFICATION

The undersigned declares and certifies under penalty of perjury that the statements set forth in this instrument are true and correct.

A handwritten signature in black ink, appearing to read 'Michael Scotto', written over a horizontal line.

Michael Scotto for and on behalf of American  
Warehousing of New York, Inc.



BEFORE THE  
FEDERAL MARITIME COMMISSION

Washington, D.C.

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AMERICAN WAREHOUSING OF NEW YORK,  
INC.,

Complainant,

v.

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY,

Respondent.

Docket No. 05- 03

**COMPLAINANT'S REQUEST  
FOR PRODUCTION OF  
DOCUMENTS**

Complainant, American Warehousing of New York, Inc. ("American Warehousing") hereby requests pursuant to Rule 206 of the Commission's Rules of Practice that Respondent, Port Authority of New York and New Jersey, ("Port Authority") produce and permit the Complainant to inspect and copy the documents designated below in accordance with the Commission Rule 206 on or before July 15, 2005.

Respondent is requested to provide a privilege log in accordance with the Federal Rules of Civil Procedure § 26(b)(5) for any documents it deems privileged.

The following documents and things are requested to be produced by the Port Authority by July 15, 2005:

1. Any and all documents relating to leasing issues, operational issues and/or all other issues with respect to American Warehousing of New York at the Brooklyn Maritime Terminal, the Red Hook Container Terminal and/or any other facility since January 1, 1999.
2. All documents, e-mails and other written material that are in the possession, custody or control of the Port Authority concerning Port Authority's actions since August 6,

2004 in restricting, processing or otherwise dealing with trucks and/or truckers picking up and/or discharging cargo at the Brooklyn Marine Terminal including but not limited to Piers 5 and 7.

3. All documents, e-mails and other written material that are in the possession, custody or control of the Port Authority concerning the decision to apply pressure on American Warehousing and/or American Stevedoring by contacting clients and potential clients of both to discourage them from doing business with either in the Brooklyn Marine Terminal.

4. All documents, e-mails and other written material that are in the possession, custody or control of the Port Authority concerning the decision to not allow the vessel the M/V UMIAVUT loaded with cargo owned by Continaff to berth at Pier 7 on June 9, 2005.

5. All documents, e-mails and other written material that are in the possession, custody or control of the Port Authority concerning the decision to enforce rules and regulations that have not been enforced before against American Warehousing and/or American Stevedoring during operating hours since August 5, 2004.

6. All documents, e-mails and other written material that are in the possession, custody or control of the Port Authority concerning the decision to unilaterally request the increasing of the rent for Pier 7.

Dated: New York, New York  
June 13, 2005

Respectfully submitted,

THACHER PROFFITT & WOOD LLP



John M. Woods (JW 0967)  
James E. Forde (JF 5194)  
Two World Financial Center  
New York, New York 10281  
(212) 912-7400

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jforde@tpw.com  
*Attorneys for American Warehousing of  
New York, Inc.*

TO: Port Authority of New York and New Jersey  
225 Park Avenue South, 13<sup>th</sup> Floor  
New York, New York 10003

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Washington, D.C.

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AMERICAN WAREHOUSING OF NEW YORK, INC.

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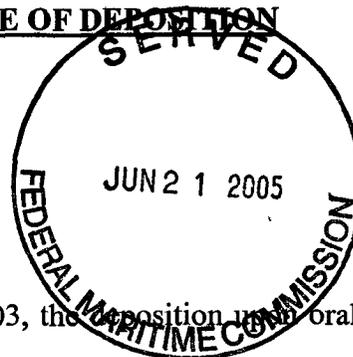
v.

THE PORT AUTHORITY OF NEW YORK AND  
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Respondent.

Docket No. 05- 03

**NOTICE OF DEPOSITION**



PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Ernesto Petralia, will be taken on August 12, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By: James E. Forde  
James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
(212) 912-7400

TO: Port Authority of New York and New Jersey  
225 Park Avenue South, 13<sup>th</sup> Floor  
New York, New York 10003

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Washington, D.C.

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THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY

Respondent.

Docket No. 05- 03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Richard Larrabee, will be taken on August 11, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By: 

James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
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TO: Port Authority of New York and New Jersey  
225 Park Avenue South, 13<sup>th</sup> Floor  
New York, New York 10003

**BEFORE THE  
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U.S. DEPARTMENT OF JUSTICE  
FEDERAL MARITIME COMMISSION

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Docket No. 05- 03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Ernesto Butcher, will be taken on August 15, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By: 

James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
(212) 912-7400

TO: Port Authority of New York and New Jersey  
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Docket No. 05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Mike Petralia, will be taken on August 16, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

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James E. Forde  
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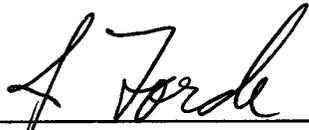
Docket No. 05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Steve Coleman, will be taken on August 17, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

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*Attorneys for Complainant American  
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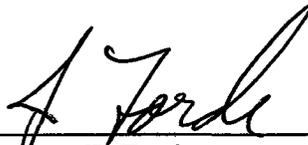
Docket No. 05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Trish Keough, will be taken on August 18, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

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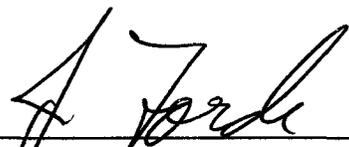
Docket No. 05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Ken Spawn, will be taken on August 19, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By: 

James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
(212) 912-7400

TO: Port Authority of New York and New Jersey  
225 Park Avenue South, 13<sup>th</sup> Floor  
New York, New York 10003

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Washington, D.C.

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05 JUN 15 PM 12:37

FEDERAL MARITIME COMM

AMERICAN WAREHOUSING OF NEW YORK, INC.

Complainant,

v.

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY

Respondent.

Docket No. 05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Jon Trutneff, will be taken on August 11, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By: 

James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
(212) 912-7400

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New York, New York 10003

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Washington, D.C.

REC'D  
05 JUN 15 PM 12:38  
FEDERAL MARITIME COMMISSION

AMERICAN WAREHOUSING OF NEW YORK, INC.

Complainant,

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THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY

Respondent

Docket No. 05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Dennis Lombardi, will be taken on August 12, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By:   
James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
(212) 912-7400

TO: Port Authority of New York and New Jersey  
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**BEFORE THE  
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Washington, D.C.

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Complainant,

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Respondent

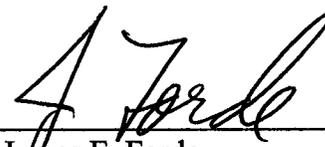
Docket No. ~~04-09~~  
05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Jerri Raczynski, will be taken on August 16, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By:   
James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
(212) 912-7400

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New York, New York 10003

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Washington, D.C.

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Complainant,

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Respondent.

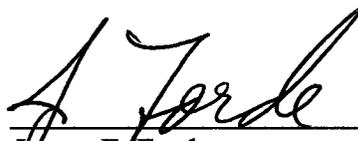
Docket No. 05-03

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that pursuant to 46 CFR § 502.203, the deposition upon oral examination of Peter Zantal, will be taken on Augusts 17, 2005 at 10:00 in the forenoon of that day at the offices of THACHER PROFFITT & WOOD LLP, attorneys for Complainant American Warehousing of New York, Inc., at Two World Financial Center, New York, New York 10281 and continuing from day to day until complete.

Dated: New York, New York  
June 13, 2005

THACHER PROFFITT & WOOD LLP

By:   
James E. Forde  
*Attorneys for Complainant American  
Warehousing of New York, Inc.*  
Two World Financial Center  
New York, New York 10281  
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