

ORIGINAL

(S E R V E D)
(July 17, 2006)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

WASHINGTON, D. C.

July 17, 2006

DOCKET NO. 04-09

AMERICAN WAREHOUSING OF NEW YORK, INC.

v.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

DOCKET NO. 05-03

AMERICAN WAREHOUSING OF NEW YORK, INC.

v.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

**RULING ON COMPLAINANT'S MOTION TO ADMIT DOCUMENTS AND
RESPONDENT'S MOTION TO EXPEDITE PROCEEDINGS**

The post-hearing briefing schedule originally agreed to has been extended on several occasions in response to requests that have been submitted at various times by both sides. Those delays in submitting briefs have been agreed to by opposing counsel. More recently, the complainant has submitted a motion to supplement the record with additional exhibits. The respondent has opposed this motion.

The documents at issue, labeled Exhibits A through O, have been attached to the complainant's post-hearing briefs. The present counsel for the complainant was retained shortly before the hearing, following the withdrawal of former counsel. There was a substantial volume of

documentary material involved in the case. In the interests of obtaining as full a record as possible, and to accommodate the needs of counsel who had a short time to prepare for the hearing, the complainant's post-hearing exhibits A through O are received into evidence. This action is taken because of the unusual circumstances in which the complainant's attorneys were placed at the time of their retention, and should not be considered as a precedent for the treatment of future cases.

The respondent has moved that the undersigned and the Commission proceed as expeditiously as possible, without further delays of any kind to resolution of the remaining issues. Because of the general nature of the relief sought it is not considered necessary for the complainant to submit a reply to this motion.

The cumulative effect of the previously-granted extensions of time and the recent opposed motion to admit post-hearing documents have resulted in delay beyond the due date previously established. An extension of that due date has been requested, and the undersigned will devote every effort to disposing of all remaining issues and issuing a decision as expeditiously as practicable.


Kenneth A. Krantz
Administrative Law Judge

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