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SEC

SERVICE DATE - SEPTEMBER 20, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. WCC-102

OCEAN LOGISTICS MANAGEMENT, INC.

v.

NPR, INC., AND HOLT CARGO SYSTEMS, INC.

Decided: September 17, 1999

By complaint filed October 6, 1998, under 49 U.S.C. 13701(c), Ocean Logistics Management, Inc. (OLMI or complainant), a non-vessel operating common carrier, seeks a finding that NPR, Inc., doing business as NPR, Navieras and Navieras Puerto Rico (NPR), a vessel operating common carrier providing transportation between the United States and Puerto Rico, has engaged in certain unreasonable practices in violation of 49 U.S.C. 13701(a)(1)(B), as a result of which complainant has suffered damages of \$4 million. NPR filed an answer to the complaint on May 17, 1999.¹

Pursuant to a decision served July 27, 1999, in this proceeding and our General Rules of Practice at 49 CFR 1111.10, the parties submitted a joint report and proposed procedural schedule on August 27, 1999. That schedule proposes, in part, the following dates:

February 29, 2000	Complainant identifies all deponents
March 31, 2000	Defendant identifies all deponents
May 4, 2000	Deadline for service of written interrogatories and requests for production
May 19, 2000	Discovery completed

These dates establish an unusual 6 month hiatus before the parties commence processing the case. The schedule is jointly proposed, however, and will be adopted.

The parties' proposed procedural schedule contemplates an eventual oral hearing. It appears, however, that all of the material issues of fact can be decided on the basis of written

¹ Holt Cargo Systems, Inc., which complainant has also named as a defendant, filed its answer on August 16, 1999.

statements, and that the proceeding can be processed efficiently without oral testimony. As such, those portions of the parties' proposed schedule referring to such a hearing will not be adopted and this proceeding will be handled under the modified procedures. See 49 CFR 1112.1. The parties are directed to file verified statements according to the following schedule:

June 19, 2000	Complainant's opening statement
July 10, 2000	Defendant's reply
July 31, 2000	Complainant's rebuttal

It is ordered:

1. Complainant shall identify all persons to be deposed by February 29, 2000.
2. Defendant shall identify all persons to be deposed by March 31, 2000.
3. All written interrogatories and requests for production shall be served by May 4, 2000.
4. Discovery shall be completed by May 19, 2000.
5. Complainant shall file an opening statement by June 19, 2000.
6. Defendant shall file a reply by July 10, 2000.
7. Complainant may file rebuttal by July 31, 2000.
8. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary