

SERVICE DATE - JULY 10, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. WCC-105

DHX, INC.

v.

MATSON NAVIGATION COMPANY AND SEA-LAND SERVICE, INC.

Decided: July 9, 2003

This case involves a challenge by DHX, a freight forwarder, to the reasonableness of certain rates and practices of Matson Navigation Company (Matson) and Sea-Land Service, Inc.,¹ two water carriers in the noncontiguous domestic trade between the United States mainland and Hawaii. The procedural schedule was suspended in a decision served on June 6, 2002. In a decision served on May 14, 2003, the Board extended the time until June 30, 2003, for the parties to complete outstanding discovery matters before restarting the procedural schedule. The time to complete discovery matters was further extended until July 14, 2003, in a decision served on May 30, 2003.

In a joint motion filed on June 26, 2003, the parties request that the time for completing discovery matters be further extended until August 4, 2003. They submit that the extension is necessary to accommodate the schedule that they have devised for taking depositions in this proceeding. According to the motion, DHX wishes to take the depositions of two employees of Horizon Lines, LLC² and three employees of Matson, and defendants wish to take the depositions of four employees of DHX.

An extension of time to accommodate the schedules of the parties is reasonable and will be granted. Accordingly, the deadline for completing discovery in this proceeding will be further extended until August 4, 2003.

¹ In a letter dated July 13, 2000, Sea-Land Service, Inc., advised that its name had changed to SL Service, Inc. (SL). SL's business and operations were subsequently transferred to a separate company known as CSX Lines, LLC.

² According to the motion, on February 24, 2003, CSX, Inc., sold a majority interest in CSX Lines, LLC, and a successor entity, Horizon Lines, LLC, was formed.

It is ordered:

1. The joint motion to extend the due date for completing discovery is granted.
2. The deadline for completing discovery is extended to August 4, 2003.
3. Upon completion of discovery, the parties should confer and submit a joint proposal for a new procedural schedule.
4. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary