

S E R V E D  
May 8, 2008  
FEDERAL MARITIME COMMISSION

**FEDERAL MARITIME COMMISSION**

**WASHINGTON, D.C.**

**DOCKET NO. 06-05**

**VERUCCI MOTORCYCLES, LLC**

**v.**

**SENATOR INTERNATIONAL OCEAN, LLC**

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**ORDER REGARDING ALTERNATIVE DISPUTE RESOLUTION**

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On May 7, 2008, the Commission issued an Order reopening this proceeding “for the purpose of taking further evidence,” *Verucci Motorcycles, LLC v. Senator International Ocean, LLC*, FMC No. 06-05, slip op. at 5 (May 7, 2008) (Order Reopening the Proceeding), and remanding it to the presiding Administrative Law Judge. The Commission’s Order directs that I “instruct the parties upon the availability of alternative dispute resolution (ADR), and . . . determine whether the matter should be referred to the Office of Consumer Affairs and Dispute Resolution Services to assist the parties.” *Id.* at 5-6.

The Notice of Assignment issued shortly after Verucci commenced this proceeding informed the parties that:

The parties are encouraged to study the Commission’s rules of procedure regarding the use of alternative dispute resolution . . . . See, e.g., 46 C.F.R. . . . 502.91(d) [and] 502.94(c) . . . . The parties are also advised that the Commission has established the Office of Consumer Affairs & Dispute Resolution Services which is staffed by persons experienced in shipping regulatory law any one of whom could act as a mediator if the parties so desire.

*Verucci Motorcycles, LLC v. Senator International Ocean, LLC*, FMC No. 06-05, Notice of Assignment at 2 (Apr. 3, 2006). In compliance with the Commission’s Order Reopening the

Proceeding, the parties are directed to review sections 502.91(d) and 502.94(c). The parties are also directed to contact Ronald D. Murphy, the Commission's Alternative Dispute Resolution Specialist, at 202-523-5807, on or before May 16, 2008, to discuss with Mr. Murphy or his designee the feasibility of resolving this matter through alternative dispute resolution. *See* 46 C.F.R. § 502.91(d) ("the presiding judge . . . may direct the parties or their representatives to consult with the Federal Maritime Commission Alternative Dispute Resolution Specialist about the feasibility of alternative dispute resolution."). Each party is directed to advise Mr. Murphy in confidence whether it agrees to engage in alternative dispute resolution. Mr. Murphy is requested to advise me in writing: (1) whether each party has complied with the directive to consult with the Commission's Alternative Dispute Resolution Specialist; and (2) whether the parties agree to engage in alternative dispute resolution.



Clay G. Guthridge  
Administrative Law Judge