

# FEDERAL MARITIME COMMISSION

SANTA FE DISCOUNT CRUISE PARKING,  
INC., D/B/A EZ CRUISE PARKING;  
LIGHTHOUSE PARKING INC.; AND  
SYLVIA ROBLEDO D/B/A 81<sup>ST</sup> DOLPHIN  
PARKING,

*Complainants,*

v.

THE BOARD OF TRUSTEES OF THE  
GALVESTON WHARVES; AND THE  
GALVESTON PORT FACILITIES  
CORPORATION,

*Respondents.*

Docket No. 14-06

Served: September 10, 2021

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**BY THE COMMISSION:** Daniel B. MAFFEI, *Chairman*,  
Rebecca F. DYE, Michael A. KHOURI, Louis E. SOLA, Carl W.  
BENTZEL, *Commissioners*.

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## **Order Granting Partial Settlement Petition**

On July 26, 2021, Respondents The Board of Trustees of the Galveston Wharves (The Board) and The Galveston Port Facilities Corporation and Complainants Santa Fe Discount Cruise Parking,

Inc. d/b/a EZ Cruise Parking (EZ Cruise) and Lighthouse Parking (Lighthouse) (collectively, the Settling Parties) filed a joint petition for approval of a partial settlement. For the reasons set forth below, the Commission grants the Settling Parties' petition.

## **I. BACKGROUND**

In 2014, Complainants filed a complaint with the Commission alleging that Respondents violated 46 U.S.C. §§ 41102(c), 41106(2), and 41106(3). The ALJ dismissed the § 41102(c) and § 41106(3) claims relatively early in the proceedings, but the remaining § 41106(2) claims have been the subject of multiple Commission decisions and a D.C. Circuit appeal. *See Santa Fe Discount Cruise Parking, Inc. v. The Board of Trustees of the Galveston Wharves*, FMC No. 14-06, 2021 FMC LEXIS 56 (FMC Apr. 16, 2021). In April 2021, the Commission: (i) found that The Board violated § 41106(2) and remanded for the ALJ to determine an appropriate reparations award; and (ii) affirmed the ALJ's dismissal of all other claims. Respondents filed a petition for reconsideration of the Commission's April Order.

On July 26, 2021, Complainants EZ Cruise and Lighthouse and both Respondents filed a joint petition for approval of a partial settlement. Complainant Sylvia Robledo d/b/a 81st Dolphin Parking did not join the petition but has not opposed it.

## **II. DISCUSSION**

The Commission's regulations allow parties to settle their disputes. 46 C.F.R. § 502.75(a), (b). When parties seek dismissal of a case pursuant to a settlement agreement, the Commission reviews the settlement to determine whether it "appears to violate any law or policy and to ensure the settlement is free of fraud, duress, undue influence, mistake, or other defects which might make it unapprovable." 46 C.F.R. § 502.72(a)(3). As part of this analysis, "the Commission looks to see if the settlement has a reasonable basis and reflects the careful consideration by the parties of such

factors as the relative strengths of their positions weighted against the risks and costs of continued litigation.” *APM Terminals N. Am., Inc. v. Port Auth. of N.Y. & N.J.*, 31 S.R.R. 623, 626 (FMC 2009) (quoting *Delhi Petroleum Pty. Ltd. v. U.S. Atl. & Gulf/Australia – New Zealand Conference & Columbus Line, Inc.*, 24 S.R.R. 1129, 1134 (ALJ 1988)).

Here, the Partial Settlement Agreements attached to the petition reflect considered decisions of sophisticated parties, represented by counsel, to settle their claims and related disputes. The Agreements do not appear to violate any law or policy and there is no evidence of fraud, duress, undue influence, mistake, or other defects that might make the settlement unapprovable.

### **III. CONCLUSION**

The Commission therefore **GRANTS** the Joint Petition for Approval of Partial Settlement, **APPROVES** the Partial Settlement Agreements, and **DISMISSES** the Settling Parties’ claims against each other in Docket No. 14-06 with prejudice, with the Settling Parties to bear their own costs and attorney fees with respect to each other.

By the Commission.

Rachel E. Dickon  
Secretary