

No. 07-931

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT
OF PETITIONER OUT OF TIME**

Now comes the Maritime Law Association of the United States (“MLA”) and moves this Court for leave to file a brief as *amicus curiae* out of time.

The MLA is a voluntary, nation-wide bar association founded in 1809, with a membership of approximately 3,100 attorneys, judges, law professors, and other distinguished members of the maritime community. Its attorney members, most of whom are specialists in maritime law, represent virtually all maritime interests—shipowners, charterers, cargo owners, port authorities, seamen, longshoremen, passengers, underwriters, financiers, and other maritime claimants and defendants.

Both sides consented to the MLA filing an *amicus curiae* brief and the MLA seeks to file its *amicus curiae* brief out of time on the basis that Respondents were given an extension of time to file their opposition brief from February 17, 2008 to March 17, 2008. (A further extension has been granted to Respondents to April 7, 2008).

The MLA was advised by counsel for Petitioner that the time to file the *amicus curiae* brief had also been extended to March 17, 2008, when in fact it should have been filed on February 7, 2008 pursuant to Rule 37.2(a) of the Rules of the Supreme Court of the United States.

No delay in the proceedings will result from the granting of this application as Respondents' time to file has not yet expired.

Respectfully submitted,

/s/ DANIEL G. McDERMOTT
DANIEL G. McDERMOTT
McDERMOTT & RADZIK, LLP
Attorneys for *Amicus Curiae*
Wall Street Plaza
88 Pine Street – 21st Floor
New York, New York 10005-1801
(212) 376-6400