

FEDERAL MARITIME COMMISSION

Office of Administrative Law Judges

NGOBROS AND COMPANY NIGERIA, *Complainant*,

v.

OCEAN CARGO LINK, LLC AND KINGSTON ANSAH,
Respondents.

DOCKET NO. 14-15

Served: February 4, 2020

BEFORE: Erin M. WIRTH, *Chief Administrative Law Judge*.

INITIAL DECISION GRANTING VOLUNTARY DISMISSAL OF PROCEEDING¹

On January 15, 2020, Complainant Ngobros and Company Nigeria Limited filed a status report and requested an “order of dismissal without prejudice pursuant to 46 CFR § 502.72 (3).” Complainant indicated that it had attempted to contact Respondents but had not been successful. Respondents did not file a response to the dismissal request.

The complaint was filed on November 24, 2014, and an initial decision finding violations of the Shipping Act was issued on November 10, 2015. The Commission reviewed the proceeding and on December 17, 2019, the Commission issued an order vacating the initial decision, dismissing as moot the claims against Kingston Ansaah, and remanding the claims against Ocean Cargo Link, LLC in light of the Commission’s revised interpretation of section 41102(c) of the Shipping Act. The Commission stated that while the review was pending, Mr. Ansaah filed for bankruptcy and plead guilty to federal crimes. Commission Order at 4.

Commission Rule 72(a)(3) permits voluntary dismissals by the presiding officer.

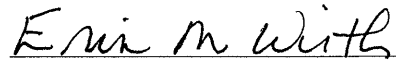
(3) *By order of the presiding officer.* Except as provided in paragraphs (a)(1) and (a)(2) of this section, an action may be dismissed at the complainant’s request only by order of the presiding officer, on terms the presiding officer considers proper. If the motion is based on a settlement by the parties, the settlement agreement must be submitted with the motion for determination as to whether the settlement appears to violate any law or policy and to ensure the settlement is free

¹ The initial decision will become the decision of the Commission in the absence of review by the Commission. Any party may file exceptions to this decision within twenty-two days of the date of service of the decision.

of fraud, duress, undue influence, mistake, or other defects which might make it unapprovable. Unless the order states otherwise, a dismissal under this paragraph is without prejudice.

This proceeding cannot be voluntarily dismissed under Rule 72(a)(1) as the answer has been served and cannot be dismissed by stipulation under Rule 72(a)(2) as Complainant was unable to locate Respondents to obtain an agreement to stipulate. In addition, no settlement has been reached. The Complainant states good cause to dismiss the proceeding and should not be required to expend additional resources on this matter. Accordingly, dismissal under Rule 72(a)(3) without prejudice is appropriate.

It is hereby **ORDERED** that complainant's request for voluntary dismissal without prejudice be **GRANTED**. It is **FURTHER ORDERED** that the complaint be **DISMISSED WITHOUT PREJUDICE** and this proceeding be **DISCONTINUED**.



Erin M. Wirth

Chief Administrative Law Judge