

FEDERAL MARITIME COMMISSION, WASHINGTON DC
Office of Administrative Law Judges

Muhammad Rana,
Complainant

V.

Michelle Franklin,
D.B.A "The Right Move Inc,"
Respondent

)
)
) Docket No. 19-03
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)
)

) Served: October 18, 2019
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)

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

MOTION TO COMPEL

The initiation of discovery was delayed due to the Respondent's failure to respond to the complaint, the Complainant's Motion for the Entry of Default and the Honorable Judge's Order to Show Cause. Therefore, the Complainant initiated and served discovery on the Respondent in the form of Request for the Production of Documents and First Set of Interrogatories on September 18, 2019.

To date, the Respondent has not provided answers to Interrogatories or produced documents requested in the Request for the Production of Documents.

The Complainant hereby moves for an Order compelling the Respondent, to promptly produce all requested documents, and to produce complete and executed answers to Interrogatories within the next 15 days.

Respectfully submitted,



Muhammad J.Rana (Complainant)

I hereby certify that, on October 18, 2019, a copy of the foregoing attached Motion was sent to the following by the method indicated below:

FMC Administrative Judge
Erin M. Wirth

VIA Electronic Mail:
judges@fmc.gov

Michelle Franklin
D.B.A The Right Move, Inc.

VIA Electronic Mail:
mfranklin@therightmove4u.com



Muhammad J.Rana (Complainant)

Docket 19-03 / Discovery Request

Sep 18 at 1:59 AM

Muhammad Rana <muhammad.rana@rocketmail.com>
To: Michelle Franklin <mfranklin@therightmove4u.com>
1 File 276.1kB

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PDF 276kB

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Complainant's_Discovery_Request.pdf

Hi Michele,

The discovery was delayed due to your failure to respond to the complaint, my subsequent motion and Judge's Order to Show Cause. Keep in mind that the Judge's decision regarding my Motion for the Entry of Default and Summary Decision is still pending. In the meantime, I am initiating discovery, attached please find my request for the production of documents and first set of interrogatories.

Let me know if you have questions or if you are willing to discuss the drafting of a joint status report.

Thank you,

Muhammad Rana (Complainant)

FEDERAL MARITIME COMMISSION, WASHINGTON DC
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Muhammad Rana,
Complainant

V.

Michelle Franklin,
D.B.A "The Right Move Inc,"
Respondent

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Docket No. 19-03

Served: September 18, 2019

COMPLAINANT'S DISCOVERY REQUEST

The initiation of discovery was delayed due to the respondent's failure to respond to the complaint. Pursuant to 46 C.F.R. § 502.141-502.150 and the judge's initial order, the complainant hereby submits this request for the production of documents and first set of interrogatories. The complainant requests the respondent to produce the requested documents and answer each Interrogatory separately, fully, in writing, under oath and under penalty of perjury within thirty (30) days of the service of this request.

The request for the production of documents and interrogatories are continuing in character, so as to require the respondent to produce additional documents and file supplementary answers if new or previously unavailable documents or information comes to the respondent's possession or knowledge; throughout the course of this complaint or litigation.

DEFINITIONS

The words "any" and "all" shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. Furthermore, the use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.

Complainant's "cargo" means complaint's goods and items that were carried, transported or shipped from Alexandria, Virginia to Karachi, Pakistan under the Bill of Lading number 1239458. "Communication" and "communications" means any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters correspondence, telegrams, facsimiles, electronic mail (email), memoranda, documents, writings, E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages or other forms of communications, including but not limited to both oral and written communications.

“Complainant” means Muhammad J. Rana, the natural person who filed the complaint docket number 19-03 with the Federal Maritime Commission.

“Copies of” as set forth in the instructions means authentic duplicates of the originals as noted, kept, maintained, and organized by the respondent in the ordinary course of business.

“Discussion,” “discussions,” “discuss,” “discusses,” “mention,” “mentions,” “describe,” “describes,” “analyze” or “analyzes” means any and all inquiries, conferences, conversations, negotiations, agreements or other forms or methods of oral communication or such dialogue sent via e-mail, facsimile, letter, telegram, E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages or other written communication.

“Document,” “documents,” “ internal communication,” “internal communications,” “record,” “records,” “written communication,” “written communication,” and “written correspondence” means all data, papers, and books, transcriptions, whether transcribed by hand or by some mechanical, electronic, E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages or other means, including written papers or memoranda which summarize oral conversations, whether in your actual or constructive possession or under your control or not, relating to or pertaining to or in any way to the subject matters in connection which it is used and includes originals, all file copies, all other copies, no matter how prepared and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following: books; records; reports; contracts; agreements; video, audio and other electronic recordings; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); minutes; diaries; calendars; notes; notebooks; correspondence; drafts; bulletins; electronic mail (e-mail); instant messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages facsimiles; circulars; forms; pamphlets; notice; statements; journals; transcripts; electronically stored information (ESI) and any other documents within respondent’s possession, custody or control from which information can be obtained or translated, if necessary, by detection devices into reasonably usable form, i.e. typed in English. “Electronically stored information” means any Information on operational systems including accounting, financial, distribution, or manufacturing systems; E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages, cell phone data; and anything stored on computer or other electronic means located on or in, but not limited to hard drive, USB drive; disks; CDs, cell phones; IM tools.

“Identify” (person). When referring to a person, “identify” means to give, to the extent known, the person’s full name, present or last known address, telephone number, and when referring to a natural person, the present or last known place of employment.

“Identify” (business, company or a corporation). When referring to a business, company or a corporation, “identify” means to give, to the extent known, full name, present or last known address, telephone number.

“Identify” (document). When referring to a document, “identify” means to give, to the extent known, the following information: (a) the type of document; (b) the general subject matter of the document; (c) the date of the document; (d) the authors, address, and recipients of the document; (e) the location of the document; (f) the identity of the person who has custody of the document.

The words “or” and “and” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. The use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.

“Make payment” means transfer, transmittance, transmittal, delivery or exchange of money, currency, check, debit, credit or bank transfers.

"Person" means any individual(s), natural person, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, organization, office or other business or legal entity.

"Relating to" means containing, constituting, considering, comprising, concerning, discussing, regarding, describing, reflecting, studying, commenting or reporting on, mentioning, analyzing, or referring, alluding, or pertaining to, in whole or in part.

“Representative” means any individual(s), natural person, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, organization, office or other business or legal entity, chosen or appointed to act or speak for the respondent or the Right Move Inc.

“Request” and “Requests” means and are limited to the numerical requests set forth in this motion for production of documents.

“Respondent” means Michele Franklin listed as the respondent in the FMC complaint docket number 19-03; who does or did business as the Right Move Inc and operates or operated the Right Move Inc.

“Third party” means any individual(s), natural person, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, organization, office or other business or legal entity who may be indirectly involved in any transaction related to the shipping, delivery or transportation of complainants goods / cargo / items.

DOCUMENT REQUESTS

1. Any and all written correspondence or written communication between the respondent or any person / representative acting on behalf of the Right Move Inc and Troy Container Line, Ltd from February 6, 2019 till the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods / cargo / items.
2. Any and all records of oral communication between the respondent or any person acting on behalf the Right Move Inc and Troy Container Line, Ltd from February 6, 2019 till the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods, cargo or items.
3. Any and all internal communication from February 2, 2019 till the present date between the respondent and any or all employees of the Right Move Inc that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods, cargo or items.
4. Any and all written correspondence or written communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any other person(s) or individual(s) between February 6, 2019 and the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods / cargo / items.
5. Any and all records of oral communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any other person(s) or individual(s) between February 6, 2019 and the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods, cargo or items.
6. Any and all written communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any third party or company used to make payment(s) that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainant's goods / cargo / items.
7. Any and all records of oral communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any third party or company used to make payment(s) that relate directly to the Bill of Lading number 1239458; and the shipping, delivery, transportation of complainants goods / cargo / items.
8. Name and identity of the natural person, business, company, organization, corporation, firm that was used to make payment(s) to TROY Container Line Ltd, or anyone else in connection with the Bill of Lading number 1239458; and the shipping, delivery, transportation of complainant's goods / cargo / items.

9. Proof that the respondent paid for the shipping, delivery, transportation of complainant's goods / cargo / items or for the shipping / transportation / delivery of goods associated the Bill of Lading number 1239458.
10. The most recent or the current business license issued to the Right Move Inc.
11. All of the Right Move Inc's Articles of Incorporation.
12. All of the Right Move Inc's Partnership Agreements.
13. The most recent full business tax return of the Right Move Inc. Social security number(s) on the tax return can be whited / blacked out.
14. Any and all stock certificates of the Right Move Inc.
15. All Operating Agreement(s) of the Right Move Inc.
16. Any and all documents that directly relate to complaints, lawsuits, litigation, civil actions against the respondent or the Right Move Inc where a violation of 46 U.S. Code § 41102(c) [formerly § 10(d)(l) of the Shipping Act] was alleged.
17. Any and all documents identified, directly or indirectly, in your answers to interrogatories.

INTERROGATORIES

- 1) Please identify each person who answered these interrogatories and each person (attach pages if necessary) who assisted, including attorneys, accountants, employees of third party entities, or any other person consulted, however briefly, on the content of any answer to these interrogatories.
- 2) Please identify any person(s) or business or company or any third party that was involved in making payments or transmitting or transferring payments associated with Bill of Lading number 1239458; or the shipping or transportation of complainant's cargo?
- 3) Please identify the method that was used by the respondent or by the Right Move Inc to transfer money or make payments to TROY Container Line Ltd for the shipping or transportation of complainant's cargo?
- 4) Please identify any person(s) or business or company or any third party that was involved in the making payments or transmitting or transferring payments associated with Bill of Lading number 1239458; or the shipping or transportation of complainant's cargo?

- 5) Please identify the person(s) or entities that are or were directly or indirectly involved with the shipping, delivery, transportation of complainant's goods / cargo / items?
- 6) Did the respondent or the Right Move Inc, pay for the shipping, delivery, transportation of the complainant's cargo / goods / items? Who did the respondent pay to? What method of payment was used by the respondent?
- 7) In emails to the complainant, the respondent claimed that a company that was used to make payments to TROY Container Line Ltd, issued a refund to the respondent: Please identify this company, along with the date of refund and the amount of refund that was issued to the respondent?
- 8) Did the respondent use or avail the services of a third party or another company to make payments to TROY Container Line Ltd?
- 9) Did the respondent use or avail the services of a third party or another company to make payments for the shipping, delivery, transportation of complainant's goods / cargo / items?
- 10) Please explain why the respondent used or availed the services of a third party or another company to make payments for the shipping, delivery, transportation of complainant's cargo / goods / items?
- 11) Please give the date when the respondent used or availed the services of a third party or another company to make payments for the shipping, delivery, transportation of complainant's goods / cargo / items?
- 12) Please give the amount of OTI surety bond the respondent had at the time of shipping, delivery, transportation of complainant's goods / cargo / items?
- 13) Please explain why the respondent's OTI surety bond was revoked by the Federal Maritime Commission in July 2019?

Respectfully submitted,

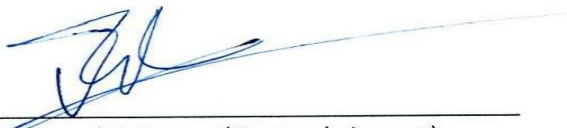


Muhammad J.Rana (Complainant)

I hereby certify that, on September 18, 2019, a copy of complainant's Request for the Production of Documents and first set of Interrogatories was sent to the following by the method indicated below:

Michelle Franklin
D.B.A The Right Move, Inc.

VIA Electronic Mail:
mfranklin@therightmove4u.com

A handwritten signature in blue ink, appearing to read 'J.R.', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Muhammad J.Rana (Complainant)