

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

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OJ COMMERCE, LLC,

Complainant,

**DOCKET NO. 21-11**

v.

HAMBURG SÜDAMERIKANISCHE  
DAMPFSCHIFFFAHRTS-GESELLSCHAFT A/S & CO KG

and

HAMBURG SUD NORTH AMERICA, INC.,

Respondents.  
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**COMPLAINANT’S NOTICE OF ITS COMPLIANCE WITH ORDER  
ON MOTIONS FOR CONFIDENTIAL TREATMENT**

On February 24, 2023, the ALJ issued its Order on Motions for Confidential Treatment (“Order”), wherein the Presiding Officer stated “[t]he parties should supplement their motions for confidential treatment to specifically identify the information in depositions they seek to keep confidential and the basis for the request,” and “should only request confidential treatment for the portions of the deposition pages which include confidential information.” (Order, p. 2.) Maersk did not supply its revised designations to Complainant OJ Commerce, LLC (“OJC”) until 2:53 PM on the day compliance with the Order was due, when Maersk filed its revised designations with the FMC.

OJC has now revised its [Opening] Appendix to reflect the parties’ revised confidential designations. Both a revised public version and a revised confidential version that clearly marks the material in the depositions that Maersk contends are entitled to confidential treatment. have

been submitted. OJC objects to both of Maersk's remaining confidentiality designations in the depositions:

- As to Michael Gast, CX296, Transcript Page 132, Lines 16-25, this material is not trade secret or otherwise confidential under 46 C.F.R. § 502.141(j)(1) because the testimony is just the witness's reading of his email at CX229 that was **not** designated as confidential by Maersk.
- As to Juergen Pump, CX094, Transcript Page 164, Lines 12-25, this material is not trade secret or otherwise confidential under 46 C.F.R. § 502.141(j)(1), because the percentages of space usage provided are not proprietary to Maersk and are necessarily known to others outside their companies, such as to Maersk's 2M Alliance partner, MSC, who share space with Maersk.

OJC also reiterates its previous objections to the remaining non-deposition documents that Maersk has designated confidential, including but not limited to (i) CX38-58 that contains Maersk calculating strategies to conceal their improper pricing practices from regulators and its efforts to avoid regulators and colluding with its largest competitor, MSC, to improperly share shipping rates that Maersk is trying to conceal from the public, and (ii) CX320-321 that contains stale, over two-and-a-half-year-old spot rate information.

OJC's [Reply] Appendix – Supplement has had all its confidential designations (which were only from Maersk in the first place) withdrawn, so OJC has re-submitted its entire [Reply] Appendix – Supplement as public.

Dated: March 14, 2023

Respectfully Submitted,

By: /s/ Shlomo Y. Hecht  
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