

**BEFORE THE
FEDERAL MARITIME COMMISSION**

OJ COMMERCE, LLC,

Complainant,

DOCKET NO. 21-11

v.

HAMBURG SÜDAMERIKANISCHE
DAMPFSCHIFFFAHRTS-GESELLSCHAFT A/S & CO KG

and

HAMBURG SUD NORTH AMERICA, INC.,

Respondents.

JOINT STATUS REPORT AND PROPOSED DISCOVERY SCHEDULE

Pursuant to 46 C.F.R. § 502.141(h), Complainant and Respondents (collectively referred to as the “Parties”), by their respective undersigned counsel, have conferred and submit this joint status report and proposed discovery schedule.

On January 25, 2022, the Parties exchanged the initial disclosures required by 46 C.F.R. § 502.141(b). The Parties do not currently anticipate needing depositions or interrogatories more than the amounts contemplated by 46 C.F.R. §§ 502.143 (*i.e.*, no more than 20 depositions) and 502.145 (*i.e.*, no more than 50 written interrogatories), respectively.

The Parties have discussed a discovery schedule, but have been unable to reach agreement. Complainant proposes the following schedule, which begins at the top of the next page:

Event	Deadline
Parties to serve initial requests for production (“RFPs”) of documents and electronically stored information (“ESI”) by this date	February 25, 2022
Target for substantial completion of productions of documents and ESI in response to initial RFPs	March 29, 2022
Disclosure of initial expert reports	May 2, 2022
Last day to serve discovery requests	May 12, 2022
Disclosure of rebuttal expert reports	June 1, 2022
Close of all discovery, fact and expert	June 17, 2022
Motions for summary disposition due	August 5, 2022


Respondents do not agree with the forgoing schedule. Respondents believe that it is premature to establish a discovery schedule or to commence discovery at this time. The Presiding Officer has before her a motion to dismiss and/or for summary judgment, as well as a motion for leave to file an amended complaint. The rulings on these motions will affect the scope of this proceeding by determining what claims Complainant is able to pursue and which it is not. Respondents believe that the establishment of a discovery schedule and the commencement of discovery should be postponed until the Presiding Officer has ruled on those motions and defined the scope of the proceeding.

Pursuant to 46 C.F.R. § 502.64(a), the Parties will be conferring with the Director of the Commission’s Office of Consumer Affairs and Dispute Resolution Services on February 17, 2022 for their preliminary conference.

Dated: February 7, 2022

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Respectfully submitted,


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