

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

OJ COMMERCE, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
HAMBURG SÜDAMERIKANISCHE DAMPFSCHIFFFAHRTS-GESELLSCHAFT A/S & CO. KG	)	DOCKET NO. 21-11
	)	
and	)	
	)	
HAMBURG SUD NORTH AMERICA, INC.	)	
	)	
Respondents.	)	
	)	

**Notice of Respondents’ Intent to Oppose Complainant’s  
Motion for Expedited Relief Concerning Extension of Time for Limited Discovery**

Respondents Hamburg Sudamerikanische Dampfschiffahrts-Gesellschaft A/S & CO KG and Hamburg Sud North America, Inc. hereby provide notice that they do not consent to Complainant’s Motion for Expedited Relief of Time for Limited Discovery and that they intend to file an opposition to the motion on or before September 8, 2022.

On August 31, Complainant’s counsel sent an email to Respondents’ counsel, expressing the view that it would be necessary to extend the case deadlines, and asking whether “Respondents consents to and/or will join in that proposal, or whether they will object.” Respondents’ counsel replied that Respondents were agreeable in principle to a 30-day extension of the discovery deadline, with final agreement subject to review of a draft of the motion seeking the extension. Respondents also specifically reserved the right to object to any expert report submitted by

Complainant that was not a true rebuttal report, given that the deadline for initial reports was August 5, 2022.

Counsel for Complainant then responded that they were not looking for a blanket opening of discovery, but were looking to extend discovery deadlines and expert disclosure dates solely for Complainant “to undue the prejudice that Complainant has suffered.”

Respondents’ counsel then replied:

Counsel: As previously advised, we agree in principle to the extension, subject to review of proposed motion.

We do not agree that Complainant has suffered prejudice, or otherwise. Our point with respect to expert reports is simply that substantive arguments regarding discovery issues can and should be addressed after the motion for an extension has been filed, and that the motion for an extension does not waive any substantive argument that either party may have on any of those issues.

Complainant never provided Respondents’ counsel with a copy of the draft motion, something on which Respondents’ consent was expressly conditioned, twice, in writing. Complainant conveniently omits this fact from its motion.

Respondents hereby provide notice that they do not consent to the motion as drafted and filed, and that they will be filing an opposition to same.

Respectfully submitted,

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/s/ Rachelle Barstow  
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Dated: September 1, 2022

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of September, 2022, the foregoing was served via electronic mail on:

Shlomo Y. Hecht  
[sam@hechtlawpa.com](mailto:sam@hechtlawpa.com)

and

Aaron Davis, Esq.  
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Wayne R. Rohde