

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

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

**RESPONDENTS' MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT**

Pursuant to 46 C.F.R. §502.69, Respondents Hamburg Südamerikanische Dampfschiffahrts-Gesellschaft A/S & Co. KG and Hamburg Sud North America, Inc., hereby move for an order dismissing with prejudice the complaint against Hamburg Sud North America, Inc. in its entirety, and for an order dismissing with prejudice that portion of the complaint relating to an alleged breach of service contract with respect to Hamburg Südamerikanische Dampfschiffahrts-Gesellschaft A/S & Co. KG.<sup>1</sup>

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<sup>1</sup> To the extent this motion to dismiss relies on material outside of the pleadings, Respondents respectfully request that it be treated as a motion for summary judgment. See, *Marie Carew d/b/a Holiday Shipping v. Maersk Line A/S & John Does*, FMC Docket No. 20-17, Order Denying Motion for Judgment on the Pleadings, April 8, 2021, p. 3 (citing 2 Moore's Federal Practice – Civil §12.38 (2021)).

A memorandum in support of this motion is submitted herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne R. Rohde". The signature is written in a cursive, flowing style.

Wayne R. Rohde  
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Dated: January 18, 2022