

BEFORE THE FEDERAL MARITIME COMMISSION

Docket No. 22-26

PHILIP REINISCH CO. LLC

v.

FLEXPORT INTERNATIONAL LLC

ANSWER OF RESPONDENT

Respondent, Flexport International LLC (“Respondent”), by and through their undersigned counsel, hereby answers the Complaint in this proceeding as follows:

ANSWER

1. Respondent is without knowledge sufficient to admit or deny the allegations.
2. Admit.
3. Admit that Flexport is a licensed NVOCC with license number 025219. Otherwise denied.
4. Denied.
5. Denied.
6. Admit.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Admit.
12. Admit.

13. Denied.
14. Admit.
15. Admit.
16. Admit.
17. Admit.
18. Admit.
19. Admit.
20. Admit.
21. Admit.
22. Admit.
23. Denied.
24. Denied.
25. Denied.
26. Denied.
27. Denied.
28. Admit.
29. Denied.
30. Denied.
31. Admit.
32. Denied.
33. Denied.
34. Admit.
35. Admit.

36. Admit.

37. Admit.

38. Admit.

39. Admit.

40. Admit.

41. Admit.

42. Denied.

43. Admit.

44. There is no allegation against Respondent contained in the paragraph and thus no response is warranted.

45. There is no allegation against Respondent contained in the paragraph and thus no response is warranted.

46. There is no allegation against Respondent contained in the paragraph and thus no response is warranted.

47. There is no allegation against Respondent contained in the paragraph and thus no response is warranted.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. There is no allegation against Respondent contained in the paragraph and thus no response is warranted.

AFFIRMATIVE DEFENSES

1. The Commission lacks subject matter jurisdiction.
2. The Complaint fails to state a claim for which relief may be granted.
3. Complainant is not entitled to reparations because it has suffered no harm
4. Any demurrage or detention charges complained of was due in whole or in part to the acts and/or omissions of the motor carrier(s), ocean carriers, terminal operators, warehousemen, rail carriers and/or the cargo interest(s).
5. The claims are barred by the doctrines of waiver and estoppel.
6. Respondent claims the right of setoff.
7. Respondent's conduct was reasonable in light of the totality of the circumstances.
8. Respondent reserves its right to modify and assert additional affirmative defenses which it deems necessary to its defense during or upon the conclusion of investigation and discovery.

WHEREFORE, Respondent prays that after due oral hearing to be conducted in Washington, D.C., an order be made dismissing the Complaint.

Dated at Miami, Florida this 14th day of November, 2022

Respectfully submitted,

SPECTOR RUBIN, P.A.

Attorneys for the Respondent

By: /s/ Robert Borak

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Certificate of Service

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by electronic mail a copy to each such person in sufficient time to reach such person on the date the document is due to be filed with the Commission.

Dated at Miami, Florida this 14th day of November, 2022

Respectfully submitted,

SPECTOR RUBIN, P.A.
Attorney for the Respondent

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