

FEDERAL MARITIME COMMISSION
Office of Administrative Law Judges

SAMSUNG ELECTRONICS AMERICA, INC., *Complainant*

v.

ZIM INTEGRATED SHIPPING SERVICES LTD., *Respondent*.

DOCKET NO. 22-30

Served: July 3, 2024

ORDER OF: Erin M. WIRTH, *Chief Administrative Law Judge*.

ORDER DENYING REQUEST FOR MEDIATOR

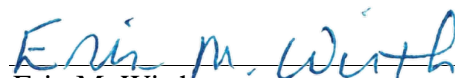
On April 18, 2024, the parties filed a joint motion seeking a stay of proceedings in furtherance of renewed settlement discussions. Specifically, the parties request that an initial decision not be issued prior to June 24, 2024, based on “a realistic possibility of reaching agreement in the near term.” Motion at 1. On April 23, 2024, the parties were ordered to file a joint status report on June 24, 2024, if they had not filed a motion seeking approval of a settlement agreement by that date.

On June 24, 2024, the parties filed a joint status report (“JSR”) in connection with the renewed settlement discussions in which Complainant Samsung Electronics America, Inc. (“SEA”), requested that the Presiding Officer exercise her discretion to appoint a mediator as soon as practicable and Respondent ZIM Integrated Shipping Services Ltd. (“ZIM”), states that it does not consent to mediation and requests that the initial decision be issued. JSR at 1, 4.

SEA asserts that settlement discussion have been ongoing, it should be afforded reasonable latitude to prosecute its claims in a way that it believes is most efficient, a mediator may be able to bridge differences, and the amount expended on continued litigation may well cost more than the gap between the parties’ settlement positions now. JSR at 2-3.

ZIM contends that “ZIM has put forth its best and final settlement offer. If that offer is not acceptable to SEA, then mediation will not help in resolving this matter because ZIM does not intend to increase that offer. ZIM believes this has been made clear to SEA.” JSR at 4.

Briefing in this proceeding has been completed. The initial decision deadline has been extended twice by the Commission. The parties were given a substantial amount of time in which to discuss settlement. SEA has not established that a mediator should be appointed and such appointment would only delay the proceeding. Accordingly, it is hereby **ORDERED** that the request to appoint a mediator be **DENIED**. The initial decision will not be issued for thirty days to give the parties time to discuss this order. However, after August 2, 2024, the initial decision may be issued and no further stays will be permitted.


Erin M. Wirth
Chief Administrative Law Judge