

**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: April 3, 2023

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

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**ORDER ON MOTION TO COMPEL AND CROSS-MOTION TO AMEND SCHEDULING ORDER**

On March 23, 2023, Complainant filed a motion to compel and for sanctions requesting an order that Respondent complete document production and abide by the Scheduling Order (“Motion to Compel”). On March 30, 2023, Respondent filed an opposition to the motion to compel and a cross-motion for extension of the Scheduling Order (“Opposition”). On April 3, 2023, Complainant filed an opposition to the cross-motion (“Cross-Motion Opposition”).

The motion to compel asserts that Respondent has failed to provide discovery documents and requests sanctions and an expedited ruling. The opposition acknowledges that document production has been delayed, but that 142 GB of data was preprocessed and produced to counsel for Complainant on March 22, 2023, and that a second batch of 250 GB of data was reviewed and relevant documents produced on March 28 and 29, 2023. Respondent estimates that production of documents will be completed the week of April 10, 2023. Therefore, Respondent requests a thirty-day extension of all deadlines in this proceeding. In their response to the motion to compel, Complainant asserts that Respondent has not established good cause for the extension of time.

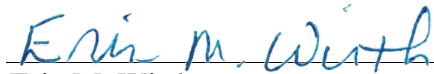
Respondent should have requested an extension of time prior to the deadline for producing documents. However, if the motion to compel were granted, Respondent would have additional time to produce the documents. Moreover, Respondent’s counsel states that the production of documents is “from a large data base that is controlled overseas and subject to stringent security requirements.” Opposition at 3. Therefore, the most efficient course is for Respondent to provide the requested discovery so that the parties may make progress toward briefing the merits of this proceeding.

The thirty-day extension requested is reasonable and will allow the case to conclude within the timeframe set by the Commission. However, this is Respondent’s second request for an extension of time in this proceeding. Respondent must provide the discovery requested and may not be permitted additional extension requests. The parties should work expeditiously to re-

schedule depositions and complete discovery. Accordingly, good cause is shown to grant the motion for an extension. This will make the motion to compel moot and it will be dismissed without prejudice.

For the reasons stated above, the motion to compel is **DISMISSED WITHOUT PREJUDICE AS MOOT** and the cross-motion seeking an extension of time is **GRANTED**. The parties shall abide by the following schedule:

April 20, 2023	Complete document production.
May 22, 2023	Complete fact depositions. Parties file joint status report.
May 23, 2023	Expert discovery begins.
June 19, 2023	Close of all discovery.
July 19, 2023	Complainant's brief, proposed findings of fact, and appendix.
August 18, 2023	Respondent's opposition brief, responses to proposed findings of fact, proposed findings of fact, and appendix.
September 5, 2023	Complainant's reply brief and responses to proposed findings of fact.



Erin M. Wirth  
Chief Administrative Law Judge