

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 22-30

SAMSUNG ELECTRONICS

AMERICA, INC.,

COMPLAINANT,

v.

ZIM INTEGRATED SHIPPING SERVICES LTD.,

RESPONDENT.

**RESPONDENT ZIM INTEGRATED SHIPPING SERVICES LTD.'S
MOTION FOR CONFIDENTIAL TREATMENT**

Respondent ZIM Integrated Shipping Services Ltd. (“ZIM”), by and through its attorneys, hereby moves pursuant to paragraph 19 of the Chief Administrative Law Judge Wirth’s October 22, 2022 Initial Order and 5(b) of the Federal Maritime Commission’s Rules of Practice and Procedure (the “Rules”), 46 C.F.R. 502.5(b), for confidential treatment of certain portions of the Appendix to ZIM’s September 26, 2023, Reply Brief (“Appendix”).

On or about February 20, 2023, the parties entered into a Stipulation and Order of Confidentiality (“Confidentiality Order”). The Confidentiality Order provides for the confidential treatment of certain materials produced in discovery in this proceeding (“Confidential Material”) between the parties. The Confidentiality Order also provides that all “Confidential Material which is to be filed with the ALJ or Commission, or materials containing,

reproducing, incorporating or otherwise disclosing Confidential Material shall be filed and labeled in accordance with 46 CFR § 502.5.” Thus, under the parties’ Confidentiality Order, documents produced in discovery marked either as “CONFIDENTIAL” and/or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” and filed in this proceeding must be designated as Confidential Material.

ZIM respectfully requests that the following material contained in the Appendix be treated as Confidential:

1. The entirety of pages RX-005 through RX-0014
2. The entirety of pages RX-0152 and RX-0153
3. Portions of pages RX-0740 and RX-0742
4. The three Excel spreadsheets produced in native format with the word “Confidential” in the file name and beginning with RX-0158, RX-0739, and RX-0750, respectively.

All of the foregoing material consists of information about ZIM’s financial relationship with customers other than Samsung Electronics America, Inc. and thus constitutes commercial information that is normally maintained as confidential by ZIM and which, if disclosed to the public, could cause commercial harm and/or embarrassment to the customers in question.

For the foregoing reason, ZIM respectfully requests that the materials and exhibits designated as confidential in the Appendix be kept confidential and not disclosed to the public.

ZIM has conferred with counsel for Samsung Electronics America, Inc., who has advised that they have no objections to this motion.

Respectfully submitted,

COZEN O'CONNOR

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Dated: September 29, 2023

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2023, a true and correct copy of the foregoing Motion for Confidential Treatment was served via email on counsel for Samsung Electronics America, Inc. in FMC Docket No. 22-30.

s/ Wayne Rohde