

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 22-35

M.E. DEY & CO., INC.,

Complainant,

v.

HAPAG-LLOYD AG and HAPAG-LLOYD (AMERICA) LLC,

Respondents and Third-Party Complainants,

v.

CSX TRANSPORTATION, INC.,

Third-Party Respondent.

**THIRD-PARTY RESPONDENT CSX TRANSPORTATION, INC'S
MOTION TO DISMISS**

Pursuant to 46 C.F.R. §§ 502.69 and 502.70, and Federal Rule of Civil Procedure 12(b) pursuant to 46 C.F.R. § 502.12, Third-Party Respondent CSX Transportation, Inc. (“CSXT”), by and through its undersigned attorney, moves to dismiss the third-party complaint with prejudice filed against CSXT by Hapag-Lloyd AG and Hapag-Lloyd (America) LLC on the basis of lack of jurisdiction over the claims alleged against CSXT in the third-party complaint. A memorandum in support of CSXT’s motion to dismiss is submitted herewith.

Dated: June 5, 2023

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: /s/ William P. Byrne

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June 2023, the foregoing Third-Party Respondent's Motion to Dismiss was served via electronic mail on:

Complainant:

Brendan Collins,
bcollins@gkglaw.com

Respondent and Third-Party Complainant:

Wayne Rohde and Rachel Schwartz
wrohde@cozen.com and rschwartz@cozen.com

Intervenor, Bureau of Enforcement, Investigations, and Compliance:

Jonathan Todd, Theron Korsak
jtodd@fmc.gov, tkorsak@fmc.gov

/s/ Kristine O. Little

Kristine O. Little