

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 23-05

RAHAL INTERNATIONAL, INC.,
Complainant,

v.

HAPAG-LLOYD AG and
HAPAG-LLOYD (AMERICA) LLC,
Respondents–Third-Party Complainants,

v.

MAHER TERMINALS, LLC,
GCT NEW YORK LP, and
GCT BAYONNE LP,
Third-Party Respondents.

JOINT STATUS REPORT

Pursuant to the Presiding Officer’s September 27, 2023, Order on Motion for Summary Judgement and Motion to Dismiss, Complainant Rahal International, Inc., Respondents Hapag-Lloyd AG and Hapag-Lloyd (America), LLC, and Third-Party Respondents Maher Terminals, LLC, GCT New York LP, and GCT Bayonne LP submit this Joint Status Report.

In accordance with August 21, 2023 Scheduling Order, the Rahal and applicable Hapag parties (the “Original Parties”) served their respective initial discovery requests on September 5, 2023. Also in accordance with the Scheduling Order, the Original Parties served one another with their respective objections to the initial discovery requests on September 29, 2023.

The Original Parties mutually agreed to a one-week extension of the deadline for exchange of responses to the initial discovery requests, to October 11, 2023. Barring unforeseen developments, the Original Parties do not anticipate this modest extension will have any impact on the remaining deadlines set forth in the Scheduling Order.

Status report of Third-Party Respondents Maher Terminals LLC (“Maher”): Maher has appeared and answered the Third-Party Complaint and will be serving its initial disclosures today. Maher requests that the parties conduct a conference pursuant to 46 C.F.R. § 502.141(h) to establish a schedule for the completion of discovery.

Status report of Third-Party Respondents GCT New York LP, and GCT Bayonne LP (“GCT Respondents”): GCT Respondents have appeared and filed a motion to dismiss, to which oppositions are not yet due to be filed until October 18, 2023. As noted in the Order Rejecting Respondents’ Motion to Extend, Doc.31, Sept. 20, 2023, discovery as to Third-Party Respondents commences, if at all, with Initial Disclosures due within seven (7) days following an answer. GCT Respondents have not answered, and no answer is currently due, pending a ruling on the Motion to Dismiss.

Dated: October 10, 2023

Respectfully submitted,

GIULIANO MCDONNELL & PERRONE, LLP

s/William M. Fennell

William M. Fennell, Esq.

170 Old Country Road, Suite 608

Mineola, New York 11501

Reference: E645

Telephone: (646) 328-0120

Facsimile: (646) 328-0121

Email: WFennell@GMPLawfirm.com

Attorneys for Complainant Rahal International, Inc.

COZEN O'CONNOR

s/Wayne R. Rohde

Wayne R. Rohde, Esq.

Kathryn Sobotta

Rachel Schwartz

1200 19th Street NW

Washington, DC 20036

Telephone: (202) 463-2507

Email: wrohde@cozen.com

ksobotta@cozen.com

rschwartz@cozen.com

*Attorneys for Respondents Hapag-Lloyd AG and
Hapag-Lloyd (America) LLC*

CHIESA SHAHINIAN & GIANTOMASI, PC

s/Michael Cross

Michael Cross, Esq.
Christopher R. Paldino, Esq.
Thomas A. Rowland, Esq.
105 Eisenhower Parkway
Roseland, New Jersey 07068
Email: mcross@csglaw.com
cpaldino@csglaw.com
trowland@csglaw.com

*Attorneys for Third-Party Respondent Maher
Terminals LLC*

HOLLAND & KNIGHT LLP

s/Gerald A. Morrissey

Gerald A. Morrissey III, Esq.
Kristine O. Little, Esq.
800 17th Street N.W., Suite 1100
Washington, D.C. 20006
*Attorneys for Third-Party Respondents GCT New
York LP & GCT Bayonne LP*
Email: gerald.morrissey@hklaw.com
kristine.little@hklaw.com

*Attorneys for Third-Party Respondents GCT New
York LP, and GCT Bayonne LP*

TO:

Amy Strauss, Acting Secretary
Federal Maritime Commission
800 N. Capitol St. N.W.
Washington, DC 20573
Email: secretary@fmc.gov

CC: judges@fmc.gov