

FEDERAL MARITIME COMMISSION

RAHAL INTERNATIONAL INC., *Complainant*

v.

HAPAG-LLOYD AG, HAPAG-LLOYD (AMERICA), LLC, AND
HAPAG-LLOYD USA, LLC, *Respondents*

AND

HAPAG-LLOYD AG AND HAPAG-LLOYD (AMERICA), LLC,
Third-Party Complainants

v.

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

DOCKET NO. 23-05

Served: September 20, 2023

ORDER OF: Linda S. Harris CROVELLA, *Administrative Law Judge.*

ORDER REJECTING RESPONDENTS' MOTION TO EXTEND

The Commission issued a Notice of Filing of Third-Party Complaint on September 8, 2023, following an Order by the undersigned granting leave to Respondents Hapag-Lloyd AG (“Hapag-Lloyd AG”), Hapag-Lloyd (America), LLC (“Hapag-Lloyd America”), and Hapag-Lloyd USA, LLC (Hapag-Lloyd USA),¹ to file a Third-Party Complaint naming Maher Terminals, LLC (“Maher”), GCT New York LP (“GCT NY”), and GCT Bayonne PL (“GCT Bayonne”), as Third-Party Respondents.

On September 15, 2023, Respondents Hapag-Lloyd AG and Hapag-Lloyd America filed an Unopposed Motion to Extend Discovery Schedule (Motion to Extend). For the reasons stated

¹ Respondents' footnote 1 in the caption of the September 15, 2023, motion states that only Hapag-Lloyd AG and Hapag-Lloyd America are Third-Party Complainants despite all three Respondents having moved for leave to file a Third-Party Complaint. Respondents' Motion for Leave to File Third-Party Complaint at 1. This type of confusion in Respondents' pleadings should be avoided in future filings.

below, Respondents' Motion to Extend is rejected for failure to certify that they effectuated service.

The Motion to Extend states that Respondents Hapag-Lloyd AG and Hapag-Lloyd America "conferred with counsel for Complainant and co-counsel for Hapag, both of whom indicated that they did not oppose the Motion," but they did not confer with the Third-Party Respondents that they pled into this proceeding. *See* § 502.71(a). Further, the Motion to Extend does not include a certificate of service showing it was served to and of the other parties in this proceeding as required by Commission Rules § 502.114 ("Serving documents in Commission proceedings"), and § 502.117 ("Certificate of Service"), which must include the Complainant and Third-Party Respondents.

The parties are also reminded that the Third-Party Respondents have 25-days after service of the Third-Party Complaint to respond, and "[r]ules regarding discovery require initial disclosures within seven days of filing of the answer..." Initial Order at 3, ¶ 7; 46 C.F.R. §§ 502.62(b)(4) and 502.141(b). After those initial disclosures, further discovery issues may be ripe for consideration.

Accordingly,

IT IS ORDERED that Respondents' Unopposed Motion to Extend Discovery Schedule is **DENIED WITHOUT PREJUDICE**.

The parties are reminded that they should not contact the Office of Administrative Law Judges, including its staff, ex parte. For example, Respondents' counsel sent an email asking if the undersigned requires draft orders to be submitted with motions but did not copy all parties. Draft orders are not required when a motion is filed. Moreover, questions regarding filing procedures should be directed to the Office of the Secretary. The parties are also urged to review the Commission's rules of practice and procedure (46 C.F.R. § 502), as well as the sources of information provided in the Initial Order.

Finally, as stated in previous orders, motions do not automatically stay other deadlines in the proceeding and discovery should proceed pursuant to the scheduling order issued on August 21, 2023.



Linda S. Harris Crovella
Administrative Law Judge