

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 23-05

RAHAL INTERNATIONAL, INC.,
Complainant,

v.

HAPAG-LLOYD AG,
HAPAG-LLOYD (AMERICA) LLC, and
HAPAG-LLOYD USA, LLC
Respondents.

**RESPONSE TO PROPOSED FINDINGS OF FACT
IN OPPOSITION TO THE MOTION FOR SUMMARY JUDGMENT**

1. Hapag-Lloyd USA, LLC (“HLUSA”) is an ocean common carrier. Complaint, ¶ 16; HLUSA Answer, ¶ 16; Complaint, ¶ 13.

RESPONSE: Admitted.

2. HLUSA is a separate and distinct legal entity from Hapag-Lloyd AG. Complaint ¶¶ 3 and 13.

RESPONSE: Admitted.

3. HLUSA is not an agent of Hapag-Lloyd AG. David P. Zimmerman Affidavit, ¶¶ 4 and 5.

RESPONSE: Admitted.

4. HLUSA did not call the port of New York/New Jersey during 2022. David P. Zimmerman Affidavit, ¶ 6.

RESPONSE: Admitted.

5. HLUSA did not transport cargo to the Port of New York/New Jersey for Rahal International in 2022. David P. Zimmerman Affidavit, ¶ 6.

RESPONSE: Admitted.

Dated: September 6, 2023
New York, NY

Respectfully submitted,

GIULIANO MCDONNELL & PERRONE, LLP

s/William M. Fennell

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CERTIFICATE OF SERVICE

I, William M. Fennell, certify that, on September 6, 2023, a true and correct copy of the Response To Proposed Findings Of Fact In Opposition To The Motion For Summary Judgment, to which this certification is annexed, was filed via electronic mail with the Secretary of the Federal Maritime Commission, and a copy was served via electronic mail on the following counsel:

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