

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

Docket No.: 23-07

TIR AUTO TRANSPORT LLC

Complainant,

vs.

ANSWER TO THE COUNTERCLAIM

V&S BROTHER INC

V&S CARGO INC

Respondents.

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1. There is no allegation against the Complainant in this paragraph, which simply says that “VBI realleges and reincorporates all admissions, denials, and defenses...” To the extent that any allegation may be inferred in this statement, it is denied.
2. Admit.
3. Admit.
4. Denied.
5. Denied.
6. Denied as to the circumstances of the diversion of these containers.
7. Deny knowledge or information sufficient to admit or deny.
8. Deny knowledge or information as to the original source of these payments but admit that the containers were subsequently released.
9. Deny knowledge or information sufficient to admit or deny.
10. Deny knowledge or information as to the original source of these payments but admit that the containers were subsequently released.
11. Denied.
12. Denied.

13. Denied.

14. Denied.

FIRST AFFIRMATIVE DEFENSE

Lack of subject matter jurisdiction.

SECOND AFFIRMATIVE DEFENSE

Failure to state a claim upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

Failure to follow the pleading requirements as per *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

FOURTH AFFIRMATIVE DEFENSE

Respondent's claims are barred, in whole or in part, by the applicable statute of limitations and the doctrine of "unclean hands."

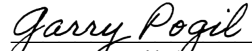
FIFTH AFFIRMATIVE DEFENSE

Respondent's claims are barred, in whole or in part, by the doctrine of "Laches."

SIXTH AFFIRMATIVE DEFENSE

To the extent that any of the Respondents suffered any damages — and such damages are explicitly denied — such was caused solely by the acts of the Respondents.

Dated: September 21, 2023

  
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