

BEFORE THE
FEDERAL MARITIME COMMISSION

TIR AUTO TRANSPORT LLC,

Complainant,

v.

DOCKET NO. 23-07

V&S BROTHERS, INC. and
V&S CARGO, INC.,

Respondents.

JOINT STATUS REPORT AND PROPOSED DISCOVERY SCHEDULE

Pursuant to the *Order on Joint Motion to Extend*, served September 21, 2023 (the “Extension Order”) and 46 C.F.R. Section 502.141, Complainant, TIR AUTO TRANSPORT LLC (“TIR”), and Respondents, V&S BROTHERS, INC. (“VBI”) and V&S CARGO, INC. (“VCI”) (together, “V&S”) (collectively with TIR, the “Parties”), by and through their respective undersigned counsel, hereby respectfully submit this Joint Status Report required by the Order.

On September 21, 2023, the FMC entered an Order staying this proceeding until November 6, 2023 (the “Extension Order”). The Extension Order required the Parties to submit a joint status report on November 6, 2023, if no settlement was reached before then, updating the FMC as to whether the parties are still engaged in mediation and proposing a schedule of discovery allowing for the completion of the case within one year from filing.

By agreement of the parties, a mediation was conducted by the CADRS on October 31, 2023. The parties did not reach a settlement and the discussions are at an impasse. The parties may elect to continue settlement discussions at a future time

and will notify the FMC immediately upon the resolution of any or all pending claims. Accordingly, the Parties have discussed and agreed on a proposed discovery schedule as follows:

<i>Phase of Proceedings</i>	<i>Deadline</i>
Initial Disclosures (Extended by Stipulation)	November 14, 2023
First day for serving written discovery requests	November 14, 2023
First day that depositions may begin to be noticed	December 1, 2023
Expert Report(s) (if any) due	January 5, 2024
Responses and objections to first round of written discovery due and exchange of privilege logs due	December 15, 2023
First day that depositions may be taken	January 22, 2024
Rebuttal Expert Report(s) (if any) due	February 5, 2024
Last date to serve written discovery requests	February 12, 2024
All responses and objections to written discovery due	March 13, 2024
Discovery ends and production must be completed or discovery issues presented to the commission.	April 4, 2024
Dispositive Motions due	May 13, 2024
Opening briefs and proposed findings of fact of each Party	June 13, 2024
Reply briefs of each Party	July 15, 2024
Deadline to request oral argument	July 31, 2024

**Note that for Written Discovery served after November 14, 2023, the Parties shall have 30 days to respond and object. Within 10 days of responding and objecting, the Parties must meet and confer to resolve any disputes. Within 10 days of such meet and conferral, the responsive Party must produce requested documents as agreed in the meet and confer and any remaining objections must be presented to the Commission.*

The Parties note that pursuant to 46 CFR 502.141(g), discovery is required to be concluded within 150 days of service of the answer to the complaint. The agreed schedule above contemplates the brief extension provided in the Commission's

Extension Order extending the discovery schedule as well. Discovery has not yet commenced, but the parties are ready to begin this process forthwith. The parties agree that the proposed discovery schedule is reasonable and provides for a prompt and diligent resolution of this matter now that the settlement discussions have reached an impasse.

The Parties also note that under 46 CFR 502.141(b), initial disclosures are due within 7 days of a respondents answer to the complaint. The parties did not exchange these disclosures while this matter was stayed. The parties have stipulated that such disclosures be due on or before November 14, 2023.

The Parties respectfully request that the Commission adopt the proposed schedule to which the Parties have mutually agreed.

Respectfully submitted, this 6th day of November, 2023.

By: /s/ Andrew J. Steif

Andrew J. Steif, Fla. Bar No. 42475
Justin T. Delise, Fla. Bar No. 1039356
GUNSTER, YOAKLEY & STEWART, P.A.
1 Independent Drive, Suite 2300
Jacksonville, FL 32202
Phone: (904) 354-2980
Fax: (904) 354-2170
Primary: asteif@gunster.com
jdelise@gunster.com
Secondary: krubin@gunster.com

*Attorneys for V&S BROTHERS, INC.
and V&S CARGO, INC.*

By: /s/ Garry Pogil

Garry Pogil, NY Bar No. 4622809
POGIL LAW GROUP
1120 6th Avenue, 4th Floor
New York, NY 10036
Phone: (212) 626-6825
Fax: (646) 349-3468
Email: garrypogil@gmail.com

*Attorney for TIR AUTO
TRANSPORT LLC*

CERTIFICATE OF SERVICE

I certify that, on November 6, 2023, a true and correct copy of the foregoing Notice was filed via electronic mail with the Secretary of the Federal Maritime Commission at secretary@fmc.gov, and a copy was served via electronic mail on all counsel of record.

/s/ Andrew J. Steif

Andrew J. Steif