

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.

PARTIES' JOINT STATUS REPORT

Complainant, TIR AUTO TRANSPORT LLC (“TIR”) and Respondents, V&S BROTHERS, INC. and V&S CARGO, INC. (together, “V&S”), by and through their respective undersigned counsel, and pursuant to the Federal Maritime Commission’s Order on Motions served September 6, 2023 (the “Order”), respectfully submit this Joint Status Report and further state as follows:

On September 5, 2023, the Parties filed a Joint Request for a Stay of Proceedings (“Joint Request”) in light of ongoing discussions between the parties. The Joint Request was denied in the Order on September 6, 2023. Notably, the Order stated that the Joint Request did “not include a timeline and indicates the parties are not engaged in mediation of the dispute.” Further, the Order referenced that there was “no indication that [the Parties] have scheduled a meeting” with the Office of Consumer Affairs and Dispute Resolution Services (“CADRS”). The Order required that a preliminary meeting with CADRS must occur no later than September 20,

2023 and also required that the parties file a joint status report stating whether they have contacted CADRS and agreed to mediation.

The Parties confirm that on September 18, 2023, they appeared for a preliminary conference with CADRS Officer Philip Lee. During the conference, the parties agreed to a formal mediation with Mr. Lee, with the mediation to occur in approximately thirty-days. The Parties agreed to a “evaluative” mediation in which each party submits nonconfidential mediation briefs in support of each party’s position and respective claims. Mr. Lee is in the process of preparing a proposed Agreement to Mediate and the parties will diligently work to schedule a mediation date.

With these developments, the Parties renew their Request to Stay. Rather than seeking an indefinite stay, the Parties propose an initial stay of forty-five (45) days while the Parties pursue mediation. The Parties further request that upon the expiration of the stay period and at each following thirty-day interval, the Parties be allowed to provide joint status reports. Should the parties’ negotiations reach an impasse, the proposed stay could immediately end and the parties could then proceed to seek a resolution on the merits. Each thirty-day extension would be conditioned on the Parties showing good cause to the Commission for extending the stay in light of pending discussions.

WHEREFORE, the Parties respectfully asks that the Commission enter a 45 day stay pending the outcome of mediation and any other and further relief the Commission deems appropriate.

Respectfully submitted, this 20th day of September, 2023.

By: /s/ Andrew J. Steif

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CERTIFICATE OF SERVICE

I certify that, on September 20, 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

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