

FEDERAL MARITIME COMMISSION
Office of Administrative Law Judges

BED BATH & BEYOND INC., Complainant

v.

YANG MING MARINE TRANSPORT CORP., Respondent.

DOCKET NO. 23-10

Served: April 16, 2024

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

SECOND AMENDED SCHEDULING ORDER

On March 21, 2024, Complainant Bed Bath & Beyond, Inc. (“BBBY”), and Respondent Yang Ming Marine Transport Corp. (“Yang Ming”), filed a Joint Motion to Extend Deadlines (Jt. Mot. Ext. 2). The parties previously filed a Joint Motion to Extend Deadlines on December 29, 2023 (Jt. Mot. Ext. 1).¹ The first motion to extend the deadlines from those of the initial Scheduling Order was for an additional 120 days but the parties were granted a 60-day extension.

The parties assert the same reasons for the extension as they did in the December 29, 2023 request for an extension of the scheduling order:

(i) the complexity of the matter; (ii) the need to include Complainant’s bankruptcy counsel in making decisions...; (iii) challenges relating to interrogatories...both with respect to issues concerning depositions of Respondent’s foreign personnel, and with respect to potential difficulties deposing former employees of Complainant, who will need to be personally served with subpoenas and perhaps requiring enforcement of such subpoenas.

Jt. Mt. Ext. 2 at 4.

The parties cite more specifically to the volume of documents produced so far, which is in the hundreds of thousands of pages. *Id.* at 2-3. The parties wish “to conduct fact depositions on the basis of a substantially complete documentary record, and not to be forced to take deposition testimony without the benefit of first having received and reviewed relevant documents and ESI for potential use in such depositions.” *Id.* The parties also reference what they refer to as “comparable precedent” regarding their request for an extension of the schedule, a revised scheduling order in another case that BBBY brought against a different respondent. *Id.*

¹ The parties are requested to include a numerical identifier for common motions that otherwise have the same title, e.g., 1st Joint Motion to Extend, 2nd Joint Motion to Extend, etc.

at 5. As in the last request for an extension of time, the parties did not propose a revised briefing schedule, and indicated they may find it necessary to request further extensions.

A scheduling order issued by another administrative law judge is not legal precedent, as the parties know. Further, each presiding officer is responsible for the time management of their own docket. 46 C.F.R. § 502.25(b)(4). A revised scheduling order issued in another case does not constitute good cause in this one. However, the volume of documents already produced and requiring review in this case does affect discovery.


The parties have set forth good cause for the considerable extension of time they seek, and Jt. Mot.Ext. 2 is **GRANTED**.

Accordingly, the parties are hereby **ORDERED** to follow this schedule:

April 15, 2024	Completion of production of documents and ESI in response to initial RFP's
May 9, 2024	Parties exchange privilege logs.
June 15, 2024	Parties complete depositions of fact witnesses.
June 15, 2024	Last day to serve interrogatories, requests for admission, and RFPs.
June 29, 2024	Disclosure of Complainant's initial expert reports, if any.
June 29, 2024	Disclosure of Respondent's initial expert reports, if any.
August 19 19, 2024	Disclosure of Respondent's rebuttal expert reports, if any.
August 19, 2024	Disclosure of Complainant's rebuttal expert reports, if any.
September 16, 2024	Complete expert depositions.
September 16, 2024	Close of discovery.
October 18, 2024	Complainant's brief, proposed findings of fact, and appendix.
November 15, 2024	Respondent's opposition brief, responses to proposed findings of fact, proposed findings of fact, and appendix.
December 4, 2024	Complainant's reply brief and responses to proposed findings of fact.

The necessity to request and possibly enforce subpoenas has been cited in both motions as good cause to extend the schedule. If the parties need to request subpoenas and anticipate any issues with compliance to them, they are urged to request and serve them as soon as possible.

The parties are cautioned that further requests to extend the schedule may not be granted, and they should endeavor to meet the deadlines established above.



Linda S. Harris Crovella
Administrative Law Judge