

FEDERAL MARITIME COMMISSION
Office of the Administrative Law Judges

ICL USA, Inc., *Complainant*

v.

DOCKET NO. 24-04

Dependable Highway Express, Inc. and Mediterranean
Shipping Company, (USA) Inc. on behalf of Mediterranean
Shipping Company, S.A., *Respondents*

Served: March 1, 2024

NOTICE OF DISMISSAL

Complainant, ICL USA, Inc. hereby gives notice that its Complaint against Respondent, Mediterranean Shipping Company, (USA) Inc. on behalf of Mediterranean Shipping Company, S.A. (“MSC”) is hereby DISMISSED without prejudice. Each party will bear its respective attorney’s fees and costs in this action. The above action by the Complainant is discontinued without prejudice as to the Respondent MSC.

On January 12, 2024, Complainant filed its Verified Complaint with the Federal Maritime Commission against Respondents Dependable Highway Express, Inc. and MSC. The complaint alleges that Respondents committed violations of the Shipping Act of 1998, as amended (“hereinafter the Shipping Act”), 46 U.S.C. § 41104(a)(2)(A), § 41102 (c) and 46 C.F.R. § 545.4 and § 545.5 by charging rates which were inconsistent with its published tariff by the payment of detention charges by DHE for which MSC had provided waivers based on FMC regulations for which MSC had not refunded such sums to DHE.

The Commission’s Rule 72(a)(1) provides:

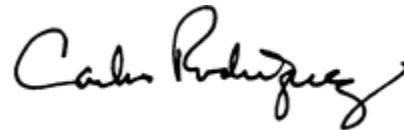
When no settlement agreement is involved, the complainant may dismiss an action without an order from the presiding officer by filing a notice of dismissal before the opposing party serves either an answer, a motion to dismiss, or a motion for summary decision. Unless the notice or stipulation states otherwise, the dismissal is without prejudice.

46 C.F.R. § 502.72(a)(1).

Complainant requests that its Claim against Respondent MSC be dismissed without prejudice, because MSC has now provided proofs of monies paid by Respondent Dependable Highway Express (“DHE”) which were refunded to DHE in their entirety (less \$270) by MSC. The proofs of payment and proofs of refunds are inconsistent with information provided by DHE which should be adjudicated between ICL and should DHE not be dismissed from this proceeding.

DATED this 1st day of March, 2024.

Respectfully submitted,



Carlos Rodriguez
Julia Bonestroo Banegas
Jasmine Martel
Husch Blackwell LLP
1801 Pennsylvania Ave., N.W. Suite 1000
Washington D.C. 20006
Phone no. 202-378-2365
E-mail: carlos.rodriguez@huschblackwell.com
julia.banegas@huschblackwell.com
jasmine.martel@huschblackwell.com

Counsel for ICL USA, Inc.

CERTIFICATE OF SERVICE

I HEBERY CERTIFY that on this 1st day of March 2024, a true and correct copy of the foregoing

NOTICE OF DISMISSAL AGAINST MSC

was served via email on all counsel of record in accordance with 46 CFR Part 502.

COUNSEL FOR COMPLAINANT ICL USA, INC.



Julia B. Banegas
Husch Blackwell LLP
1801 Pennsylvania Avenue, NW
Suite 1000
Washington, D.C. 20006 3606
Phone no. 202-378-2365
E-mail:
julia.banegas@huschblackwell.com