

**Before the
FEDERAL MARITIME COMMISSION**

Docket No. 24-10

**Impact Products, LLC *et al.*, Complainants v. Yang Ming Marine Transport Corp.,
Respondent**

JOINT MOTION TO EXTEND DISCOVERY AND BRIEFING DEADLINES

Complainants Impact Products, LLC and Safety Zone, LLC (collectively, the “Complainants”) and Respondent Yang Ming Marine Transport Corp. (“Respondent”. and collectively with Complainants, the “Parties”) hereby jointly move, pursuant to 46 C.F.R. § 502.141(l), to extend the close of discovery and briefing schedule in order for the Parties to complete document production, to serve their expert reports and to complete depositions, and in support thereof, state as follows:

1. On March 25, 2024, the ALJ entered a scheduling order [Docket No. 10] with the following deadlines:

Task	Deadline
Parties make initial disclosures.	April 12, 2024
Deadline for service of initial written discovery requests.	April 17, 2024
Complainant to name expert witnesses and serve expert reports, if any.	June 3, 2024
Complainant’s expert, if any, to be deposed.	June 28, 2024
Last date to serve written discovery requests.	July 12, 2024
Respondent to name expert witnesses and serve expert reports, if any.	July 26, 2024

Close of all discovery.	August 12, 2024
Complainants' Brief, Proposed Findings of Fact, and Appendix	September 4, 2024
Respondent's Opposition Brief, Response to Proposed Findings of Fact, Proposed Findings of Fact, and Appendix	October 19, 2024
Complainants' Reply Brief and Responses to Proposed Findings of Fact	November 2, 2024

2. To date, the Parties have exchanged Rule 502.141(b) initial disclosures, and propounded written discovery.

3. On May 17, 2024, Respondent served answers and objections to Complainants' discovery requests, along with an initial document production. On May 31, 2024, Complainants served their answers and objections to the Respondent's discovery requests, including their initial document production.

4. On June 3, 2024, Complainants emailed Respondent requesting an extension of time to disclose their expert and served their expert report given that Complainants filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Delaware, Case No. 24-bk-11055 (Bankr. Del. May 21, 2024). Respondent agreed to Complainants' request at that time subject to reciprocal movement for Respondent to produce its expert report.

5. In the interim, Complainants were working through the bankruptcy process to determine who would ultimately own Complainants' assets. TZ SSE Buyer, LLC, a Delaware limited liability company, is now the owner of all of Complainants' assets (as of July 19, 2024), including the claims at issue in this proceeding. Complainants are in the process of transferring the claims to TZ SSE Buyer, LLC, who will need to prosecute the claims in their own name.

6. On July 12, 2024, Complainants served on Respondent a discovery deficiency letter (the “Deficiency Letter”) outlining deficiencies in Respondent’s answers and responses to Complainants’ first set of interrogatory requests and requests for production of documents. Respondent’s acknowledged receipt of the Discovery Letter and took issue with some, but stated that it would review files for information responsive to Complainants’ demands.

7. On July 17, 2024, Respondent also served on Complainants a discovery deficiency letter outlining deficiencies in Complainants’ answers and responses to Respondent’s discovery requests.

8. On August 7 and 8, 2024, Complainants supplemented their document production to address and cure the deficiencies outlined in Respondent’s July 17, 2024 letter. Respondent is currently reviewing the documents and information produced by Complainants to determine if they cure the deficiencies outlined in its July 17th deficiency letter. Also, on August 7, 2024, Complainants disclosed their expert witness with Respondent via email correspondence.

9. On August 8, 2024, Respondent provided certain information and documents, which Complainants’ counsel is currently reviewing to determine if they cure the deficiencies outlined in Complainants’ Deficiency Letter.

10. Because written discovery and document production has been ongoing, and due to the delays caused by Complainants filing for bankruptcy, Complainants have been unable to serve their expert opinion. Complainants have also been unable to take depositions and do not anticipate being able to do so by the close of discovery on August 12, 2024.

11. Complainants requested the deposition of a corporate representative of Respondent before the close of discovery, but Respondent’s counsel objected as document discovery from Complainants was outstanding.

12. In the interim, Complainants will serve a motion to amend the Complaint to substitute the new owner of the claims, TZ SSE Buyer, LLC, as party plaintiff.

13. As a result, the Parties request an extension of the ALJ-ordered discovery and briefing deadlines to complete the review of all of the documents recently disclosed by each of the Parties to this case, to complete depositions and to serve expert reports/opinions. Complainants request is as follows:

Task	Deadline
Complainants Serves Expert Opinion	August 19, 2024
Respondent to Serve Expert Opinions, if any	September 27, 2024
Complete Depositions of Fact and Complainants' Expert Witnesses	October 22, 2024
Complainants' Brief, Proposed Findings of Fact, and Appendix	November 6, 2024
Respondent's Opposition Brief, Response to Proposed Findings of Fact, Proposed Findings of Fact, and Appendix	December 4, 2024
Complainants' Reply Brief and Responses to Proposed Findings of Fact	December 18, 2024

14. Pursuant to 46 CFR § 502.141(h), counsel for Complainants conferred with counsel for Respondent. This Motion is not meant for purposes of delay, but to allow the Parties to complete the necessary discovery at issue in this case.

WHEREFORE, Complainants Impact Products, LLC and Safety Zone, LLC, respectfully request that the following revised schedule be adopted in this action:

- (a) Complainants to serve their expert opinion on or before **August 19, 2024**;
- (b) Respondents to serve expert opinion on or before **September 27, 2024**;

- (c) The Parties complete depositions of fact witnesses and Complainants' expert witnesses on or before **October 22, 2024**;
- (d) Complainants' Brief, Proposed Findings of Fact, and Appendix on or before **November 6, 2024**;
- (e) Respondent's Opposition Brief, Response to Proposed Findings of Fact, Proposed Findings of Fact, and Appendix on or before **December 4, 2024**; and
- (f) Complainants' Reply Brief and Responses to Proposed Findings of Fact **December 18, 2024**.

Dated: August 9, 2024

Respectfully jointly submitted,

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