

FEDERAL MARITIME COMMISSION
Office of Administrative Law Judges

IMPACT PRODUCTS, LLC AND SAFETY ZONE, LLC,
Complainants

v.

YANG MING MARINE TRANSPORT CORP., *Respondent*.

DOCKET NO. 24-10

Served: October 4, 2024

ORDER OF: Erin M. WIRTH, *Chief Administrative Law Judge*.

ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

On September 27, 2024, Complainants Impact Products, LLC and Safety Zone, LLC filed an unopposed motion for leave to file an amended complaint (“Motion”). The motion states that on May 21, 2024, Complainants filed for Chapter 11 bankruptcy, and that in the interim, Complainants were working through the bankruptcy process to determine who would ultimately purchase Complainants’ assets. Motion at 2. On July 10, 2024, the Bankruptcy Court approved the sale and purchase by TZ SSE Buyer, LLC, including the claims at issue in this proceeding.

Complainants describe the changes in the Amended Complaint:

The Amended Complaint will simply substitute TZ SSE Buyer as the new complainant (the “Substitute Complainant”) and remove Impact Products, LLC and Safety Zone, LLC as the Complainants. The remaining allegations in the Verified Complainant will remain substantially similar. The Amended Complaint will also provide more detail about the sequence of events (who did what and when) and correct any errors in identifying Laufer Group International as a freight forwarder, while also explaining Laufer’s role in assisting Complainants with the delivery of the relevant containers. Importantly, the Amended Complaint does not introduce any new allegations or charges.

Motion at 3. Complainants assert that “Respondent’s counsel indicated that Respondent does not oppose the Motion.” Motion at 5.

Commission Rule 66(a) provides in pertinent part that amendments “will be permitted or rejected, either in the discretion of the Commission or presiding officer. No amendment will be allowed that would broaden the issue, without opportunity to reply to such amended pleading and to prepare for the broadened issues.” 46 C.F.R. § 502.66(a).

The Commission's Rules do not provide criteria for evaluating whether to grant or deny a motion to amend a complaint. However, Commission Rule 12 provides that "for situations which are not covered by a specific Commission rule, the Federal Rules of Civil Procedure will be followed to the extent that they are consistent with sound administrative practice." 46 C.F.R. § 502.12. Under Federal Rule 15(a)(1)(B), "a party may amend its pleading once as a matter of course" within 21 days after service of a responsive pleading. F.R.C.P. 15(a)(1)(B). After that period, an amended pleading is permitted with the opposing party's written consent or leave of court, which should be freely given when justice so requires. F.R.C.P. 15(a)(2). "Denial of leave to amend therefore constitutes an abuse of discretion unless the court gives sufficient reason, such as futility of amendment, undue delay, bad faith, dilatory motive, undue prejudice, or repeated failure to cure deficiencies by previous amendments." *Bancoult v. McNamara*, 214 F.R.D. 5, 8 (D.D.C. 2003) (citations omitted); *see also Foman v. Davis*, 371 U.S. 178, 182 (1962).

Here, the changes in the amended complaint are appropriate and the motion is not opposed. The amended complaint identifies the purchaser of the prior Complainants and more accurately describes the relationships and facts previously alleged. Filing of the amended complaint should not delay the proceeding. Accordingly, the motion is granted.

It is hereby **ORDERED** that unopposed motion for leave to file an amended complaint be **GRANTED**. The Office of the Secretary is asked to serve the amended complaint on the Respondent. The Respondent should file its response to the amended complaint on or before October 18, 2024.


Erin M. Wirth
Chief Administrative Law Judge