

**BEFORE THE
FEDERAL MARITIME COMMISSION**

OL USA, LLC,)	
)	
Complainant,)	
)	
v.)	DOCKET NO. 24-11
)	
MAERSK A/S,)	
)	
Respondent.)	
)	

MAERSK’S MOTION TO COMPEL DISCOVERY RESPONSES

Respondent, MAERSK A/S (“MAERSK”), respectfully submits this motion pursuant to 46 CFR Secs 502.69 and 502.150 to compel Complainant OL USA, LLC’s (“OL USA’s”) discovery responses.

I. INTRODUCTION.

This proceeding was commenced when OL USA filed a Verified Complaint dated February 9, 2024 alleging that MAERSK violated certain provisions of the U.S. Shipping Act of 1984, as amended, by failing to make its published Tariffs accessible to the public.

II. MAERSK’S DISCOVERY REQUESTS.

Pursuant to the FMC’s Scheduling Order, dated March 20, 2024, MAERSK timely served requests for admission, document requests and interrogatories on OL USA on April 5, 2024. Copies of MAERSK’s certificates of service are annexed hereto as Exhibit “A.”

OL USA timely answered MAERSK’s requests for admission and advised the undersigned counsel by email on May 6, 2024 that Complainant’s responses to MAERSK’s document requests and interrogatories would be forthcoming.

I certify that MAERSK subsequently made good faith efforts to obtain OL USA's responses to the remaining discovery requests. MAERSK's good faith efforts included: (1) our May 31, 2024 email to FMC Mediator Philip Lee, Esq. and OL USA's counsel advising of MAERSK's request for the outstanding responses within the next week and (2) our June 5, 2024 email to OL USA's counsel requesting its responses by June 10 before the parties' mediation statements which are due on June 12, 2024 in anticipation of the mediation presently set for June 21, 2024. To date, MAERSK has received no further assurance from OL USA whether or when its outstanding discovery responses will be served. MAERSK respectfully requests an Order directing OL USA to serve complete responses to Respondent's document requests and interrogatories no later than June 17, 2024.

To afford the parties sufficient time to complete written discovery, mediation and, if necessary, the parties' depositions, MAERSK further respectfully requests pursuant to 46 CFR Sec. 502.102 a brief 30-day extension of the current March 20, 2024 Scheduling Order deadlines from and including June 3, 2024 through October 7, 2024.

III. CONCLUSION.

OL USA should be directed to serve complete responses to MAERSK's document request and interrogatories no later than June 17, 2024. MAERSK further respectfully requests 30 day extensions of the remaining Scheduling Order deadlines.

Dated: June 6, 2024

GEORGE W. WRIGHT & ASSOCIATES, LLC

By: /s/ George W. Wright

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 2024, the foregoing Motion to

Compel Discovery Responses was served via electronic mail on:

Eric Larson Zalud, Esq.
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/s/ George W. Wright
GEORGE W. WRIGHT

EXHIBIT "A"

I hereby certify that on this 5th day of April the foregoing First Document Request was served via electronic mail on:

Eric Larson Zalud, Esq.
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/s/ George W. Wright
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April the foregoing First Set of Interrogatories

was served via electronic mail on:

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