

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 24-11

**OL USA LLC
COMPLAINANT,**

v.

**MAERSK A/S,
RESPONDENT.**

**OL USA LLC’S OPPOSITION TO MAERSK’S MOTION FOR
EXTENSION OF TIME TO REPLY IN SUPPORT OF MOTION TO DISMISS
OL USA’S CLAIMS FOR LOST REVENUES AND DETENTION CHARGES**

OL USA LLC (“OL USA”) opposes Maersk A/S’s (“Maersk”) Motion for an Extension of Time to Reply and writes to correct material misstatements in Maersk’s Motion. As set forth in its Opposition to Maersk’s Motion to Dismiss, filed on August 2, 2024, OL USA timely complied with the Court’s Order to Compel. On August 1, 2024, at 7:08 pm EST, counsel for OL USA sent Maersk supplemental discovery responses and a supplemental production. (Attached as Exhibit A.)¹ Earlier that day, at 3:27 pm EST, counsel for OL USA sent Maersk deposition dates for Mr. Baer and Mr. Fleisig. (Attached as Exhibit A to OL USA’s Opposition to Maersk’s Motion to Compel Depositions). OL USA cannot comment on whether its emails were received, but they were plainly sent. Counsel for OL USA confirmed as much with its IT Department who checked the server and reported that the emails were successfully sent. It is worth noting, too, that Maersk received both of OL USA’s Opposition briefs filed via email the next day.

¹ OL USA noticed a typo and sent a revised version of its Supplemental Interrogatories on August 2. OL USA resent this email to Maersk on August 5, along with the other two emails.

An extension of time is not warranted here, considering Maersk could have timely rectified this situation and any delay is its own doing. Both of OL USA's Opposition briefs filed on August 2, 2024 refer to emails that Maersk apparently never received. It could have—and should have—asked OL USA to resend the emails. Instead, after wasting the weekend, Maersk now requests an extension of time and misleadingly represents that OL USA never produced supplemental discovery responses or documents. Indeed, the reason Maersk had not received the supplemental discovery as of the time it filed this Motion is because OL USA had no idea that Maersk did not receive its August 1st emails. Moreover, after receiving the instant Motion, OL USA promptly resent Maersk the relevant emails. Maersk confirmed receipt of that email the same day.

Furthermore, Maersk requests a disproportionately long extension given the short delay it experienced. Maersk received the Opposition brief on Friday, August 2 and OL USA resent the supplemental written discovery and document production on Monday, August 5 at 11:59 am EST. Simply put, there is no reason why Maersk needs an extra week to file a reply in support of its Motion to Dismiss.² This is especially so, considering any delay in receiving the supplemental discovery was Maersk's doing.

Accordingly, OL USA respectfully requests that the Federal Maritime Commission deny Maersk's Request for an Extension of Time to File its Reply Brief.

² It is also worth noting that OL USA supplemented two Interrogatory responses, one Request for Production response, and produced an additional 65 pages of documents. Surely, Maersk can review this additional discovery and still timely reply to OL USA's Opposition to Its Motion to Dismiss.

Dated: August 7, 2024

Respectfully submitted,

**BENESCH, FRIEDLANDER, COPLAN
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *OL USA LLC's Request for Official Notice in Support of its Opposition to Maersk A/S's Motion to Dismiss* was filed on August 7, 2024.

/s/Kelly E. Mulrane _____

One of the attorneys for OL USA LLC