

**FEDERAL MARITIME COMMISSION**  
**Office of Administrative Law Judges**

OL USA LLC, *Complainant*

v.

MAERSK A/S, *Respondents*.

**DOCKET NO. 24-11**

Served: June 14, 2024

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**ORDER OF:** Linda S. Harris CROVELLA, *Administrative Law Judge*.

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**ORDER ON MOTION TO COMPEL AND AMENDED SCHEDULING ORDER**

On June 6, 2024, Respondent Maersk A/S (“Maersk”) filed a Motion to Compel Discovery Responses (“MTC”), and a request for a 30-day extension of the discovery and briefing schedule. Maersk states that it has not yet received responses to its timely filed requests for responses to interrogatories and production of documents, but it does not include a copy of those requests in or attached to the motion as required by 46 C.F.R. § 502.150(a)(2)(ii). The MTC seeks an order directing Complainant OL USA LLC (“OL USA”), “to serve complete responses to Respondent’s document requests and interrogatories no later than June 17, 2024.” MTC at 2. As good cause for the request to extend the discovery and briefing schedule, Maersk states that it will “afford the parties sufficient time to complete written discovery, mediation and, if necessary, the parties’ depositions....” MTC at 2.

On June 13, 2024, OL USA filed a response to the MTC and joins in the request to extend the schedule (“Response to MTC”). In the response, OL USA stated that it “agrees with the relief sought” and it “will serve written responses to the [requests] and will produce those relevant, responsive documents it has collected and reviewed by June 17, 2024....” Response to MTC at 1.

The Scheduling Order required responses to discovery requests and production of documents by June 3, 2024. OL USA did not comply with that deadline, but states that it will complete production of documents and respond to interrogatories by June 17, 2024, as sought by Maersk. Response to MTC at 1; MTC at 2. Because Maersk did not provide copies of the requests to which OL USA has failed to respond and seeks that OL USA be compelled to respond to those requests, and OL USA has agreed to provide responses and documents by June 17, 2024, the motion to compel is deferred pending OL USA’s compliance with the due date. Accordingly, OL USA must provide responses to the remaining outstanding requests for documents and interrogatories by June 17, 2024.

If the production of documents and responses to interrogatories are provided on June 17, 2024, the motion is denied as moot. If OL USA fails to provide the documents and responses,

Maersk must submit a supplement to the motion to compel that complies with 46 C.F.R. § 502.150(a)(2)(ii) and includes the requests made, OL USA’s reasons provided for refusing to provide the documents or responses, and Maersk’s argument as to why it is entitled to the production. The argument to compel should be supported by case law to the extent practicable.

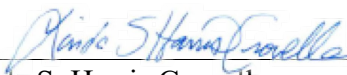
In addition, because the production of documents and responses to interrogatories has been delayed, Maersk seeks an extension of the remaining due dates, and OL USA joins in that request. This request is reasonable and will allow the parties adequate time to prepare for depositions. The proposed 30-day extension of the discovery schedule is adopted.

The parties are hereby **ORDERED** to follow this schedule:

June 17, 2024	Complainant’s Discovery Responses Due and Completion of Document Production
July 17, 2024	Begin Fact Depositions
August 28, 2024	Close of Discovery
September 25, 2024	Complainant’s brief, proposed findings of fact, and appendix
October 23, 2024	Respondent’s opposition brief, responses to proposed findings of fact, proposed findings of fact, and appendix
November 6, 2024	Complainant’s reply brief and responses to proposed findings of fact

The parties have indicated that they are participating in mediation shortly after the June 17, 2024, due date for production of documents and responses to interrogatories. If the parties reach a settlement on any or all claims, they must submit a copy of the proposed settlement agreement and a motion seeking approval of that agreement.

The parties are encouraged to review the instructions regarding submission of briefs and supporting documents and evidence set forth in the original Scheduling Order.

  
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Linda S. Harris Crovella  
Administrative Law Judge