

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

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

**SUPPLEMENT TO MAERSK’S MOTION TO COMPEL DISCOVERY RESPONSES**

Respondent, MAERSK A/S (“MAERSK”), respectfully submits this supplement to its motion filed June 6, 2024 to compel Complainant OL USA, LLC’s (“OL USA’s”) discovery responses pursuant to 46 CFR Secs. 502.69, 502.150 and the FMC’s Order on Motion to Compel served on June 14, 2024.

**I. MAERSK’S OUTSTANDING DISCOVERY REQUESTS.**

Pursuant to the FMC’s Scheduling Order, dated March 20, 2024, MAERSK timely served Requests for Admissions, Interrogatories and First Document Requests on OL USA on April 5, 2024.

OL USA timely answered MAERSK’s Requests for Admissions and subsequently served late partial responses to MAERSK’s First Document Requests and First Set of Interrogatories on June 17, 2024. MAERSK files this Supplement based on deficiencies in OL USA’s responses to MAERSK’s First Document Requests and First Set of Interrogatories. Copies of OL USA’s Responses to MAERSK’s First Document Requests and First Set of Interrogatories are annexed hereto as Exhibits “A” and “B,” respectively.

By email to OL USA's counsel on June 18, 2024, MAERSK made a further good faith effort to address the deficiencies in OL USA's late responses (Exhibit "A"). Counsel responded today advising they would produce additional documents tomorrow, on the eve of the mediation, without particularizing them.

During counsel's initial scheduling conference on June 3, 2024 with Hon. Paul A. Engelmayer, U.S.D.J., in the parties' related action pending in the United States District Court for the Southern District of New York, Judge Engelmayer twice asked for OL USA to produce evidence the Complainant purports to have supporting its claims for alleged loss of business or profits before the FMC mediation on June 21, 2024. To date, MAERSK has not received such documents from OL USA which are the subject of MAERSK's First Document Request Nos. 14 and 15 (Exhibit "A") and Interrogatory Nos. 7 and 8 (Exhibit "B").

MAERSK's Interrogatory No. 7 requests OL USA to set forth in detail certain information supporting its claims for loss of business revenue and profits, including the specific customer(s) involved, dollar amounts and supporting documents. OL USA's response evasively fails to identify the requested information or state that it does not exist.

MAERSK's Interrogatory No. 8 requests OL USA to set forth in detail how it calculates its alleged lost profits and any other economic damages, including the mathematical formula on which it relies. OL USA's response reiterates that it does indeed claim lost profits, but evasively fails to provide the requested information and vaguely recites that its claim "can be calculated by multiplying the number of trips inbound, the number of containers, and the extra margin." OL USA's nebulous answer is devoid of substance and amounts to a failure to respond.

OL USA's document production served on June 17, 2024 mainly consists of materials responsive to MAERSK's First Document Request No. 9 (Exhibit "A"). With respect to OL USA's response to First Document Request No. 1, MAERSK requested OL USA's written

instructions to access its published Tariff, similar to the written instructions annexed to MAERSK's Answer to the Verified Complaint filed on March 1, 2024 relating to its Tariff at issue.

In response to MAERSK's First Document Request Nos. 3-8 and 10-18 (Exhibit "A"), OL USA states it will produce relevant documents after further diligent search and reasonable inquiry, without advising how much longer that will take.

The documents requested by MAERSK directly relate to causation and the quantum of the damages claimed by OL USA which are generally alleged to be "financial harm" and deprivation of property (Verified Complaint ¶¶ 45 and 48). In particular, OL USA claims "lost profits" (Interrogatory Response No. 8, Exhibit "B").

The requested materials are within the scope of discovery and MAERSK is entitled to their prompt production. Fed. R. Civ. P. 26(b) (1); 46 CFR Sec. 502.141(e)(1).

**III. CONCLUSION.**

MAERSK respectfully requests an Order directing OL USA to serve no later than July 5, 2024 complete responses to Respondent's First Document Requests and First Set of Interrogatories with interrogatory responses certified by an authorized corporate representative of OL USA in compliance with 46 CFR Sec. 502.145 (b)(3).

Dated: June 19, 2024

GEORGE W. WRIGHT & ASSOCIATES, LLC

By: /s/ George W. Wright  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of June, 2024, the foregoing Supplement to MAERSK's Motion to Compel Discovery Responses was served via electronic mail on:

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*/s/ George W. Wright*  
GEORGE W. WRIGHT

**EXHIBIT "A"**

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

OL USA LLC,

Complainant,

v.

MAERSK A/S,

Respondent.

Docket No. 24-11

**COMPLAINANT OL USA LLC'S OBJECTIONS AND RESPONSES TO RESPONDENT  
MAERSK A/S'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Complainant OL USA LLC ("OL USA"), by and through its undersigned counsel, and pursuant to 46 U.S.C. §§ 502.141 and 502.146, hereby serves its Objections and Responses to the First Set of Requests for Production of Documents (the "Discovery Requests") of Respondent Maersk A/S ("Maersk").

**OBJECTIONS**

In addition to any specific objection or limitation stated below in OL USA's specific responses to Maersk's Discovery Requests, OL USA incorporates the following objections and limitations into each of its Responses:

1. OL USA objects to the Discovery Requests to the extent they seek to expand OL USA's obligations under the Federal Maritime Commission's ("FMC") Rules of Practice, 46 C.F.R. § 502 *et seq.* (the "Rules of Practice"), or, to the extent applicable, the Federal Rules of Civil Procedure, and to the extent that, individually or in combination, they are contrary to the Rules of Practice or the Federal Rules of Civil Procedure.

2. OL USA objects to the Discovery Requests to the extent they are overly broad, burdensome, vague and oppressive and in some instances seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. OL USA objects to the Discovery Requests to the extent that they purport to require production or identification of documents which do not exist.

4. OL USA objects to the Discovery Requests to the extent they seek certain information believed to be in the possession of Maersk and non-parties and is therefore equally if not more accessible to Maersk than to OL USA.

5. OL USA objects to the Discovery Requests to the extent they seek information protected from discovery on the grounds of attorney-client privilege, the work product doctrine, or any other recognized privilege and/or applicable law.

6. OL USA objects to the Discovery Requests to the extent they require OL USA to provide information with respect to the identity or substance of documents where such information could be derived or ascertained from the documents themselves, on the ground that the burden of deriving or ascertaining such information is substantially the same on OL USA as it is for Maersk, and because the documents speak for themselves.

7. OL USA objects to the Discovery Requests to the extent they incorporate defined and undefined terms, which are vague, ambiguous and/or overreaching. OL USA objects to the Discovery Requests to the extent they constitute legal conclusions or characterize certain information or ideas as undisputed fact.

8. OL USA objects to the Discovery Requests to the extent the information is sought to be used in another action or proceeding. Any information provided is to be used solely in connection with this litigation.



9. OL USA objects to Discovery Requests for information or documents that pertain to a period of time that is outside the period of time of OL USA's relationship with Maersk.

10. OL USA's responses are made subject to, and without waiver of, its rights to (a) contest the admissibility of any evidence disclosed in these responses or in any disclosure of information occurring pursuant to any document production; (b) object to any other requests of Maersk that may or may not relate to these responses; and (c) seek a protective order pursuant to 46 C.F.R. § 502.141(j).

11. OL USA's responses are submitted subject to and without waiving any of the specific or general conditions or objections set forth in these responses. These general objections are continuing, and they are incorporated by reference in each response below.

Subject to and without waiving the foregoing general objections, OL USA responds and objects to these Discovery Requests as follows:

#### **REQUESTS FOR PRODUCTION**

1. All Tariffs filed or published by You.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad, unduly burdensome, and requests public information that is equally accessible to Maersk. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA states its tariff is published at [www.dpiusa.com](http://www.dpiusa.com) and can be accessed by Maersk.

2. All Service Agreements between You and MAERSK

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad, unduly burdensome, and requests information that is more readily available to Maersk. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the

foregoing general and specific objections, OL USA has no such documentation in its possession, custody, or control.

3. All shipping documents issued or received by You relating to the transportation, storage, handling or movement of the Containers including, but not limited to, booking notes, ocean bills of lading, sea waybills, NVOCC house bills of lading, dock receipts, arrival notices, equipment/trailer interchange receipts, in-gate/out-gate tickets, delivery orders, customs entries and freight invoices.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

4. All written agreements between You and any Honour Lane Shipping entity relating to the Containers, including but not limited to service agreements, container leasing agreements, container purchase agreements and invoices.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

5. All written communications between You and any Honour Lane Shipping entity relating to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

6. All written communications between You and MAERSK relating to the Containers including, but not limited to, the communications referenced in paragraphs "16" and "17" of the Complaint.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad, unduly burdensome, and requests documents already in Maersk's possession, custody, or control. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

7. All written communications exchanged between You and any other entity concerning any Maersk Tariff relating to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

8. All written communications between You and any customer, shipper or consignee relating to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

9. All written communications between You and any container drayage carrier relating to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to

whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

10. All internal records prepared by You or on Your behalf reflecting any verbal or written communication between or among: (A) You; (B) any Honour Lane Shipping entity; (C) MAERSK; (D) any container drayage carrier and (E) any of Your customers relating to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

11. All documents relating to or reflecting the return of the Containers referenced in paragraph "26" of the Complaint.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

12. All documents prepared or maintained by You, or on Your behalf, relating to or reflecting tracking or monitoring of the Containers' movements.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

13. All documents relating to or reflecting any payment by You to any Honour Lane Shipping entity relating to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

14. All documents relating to or reflecting Your alleged loss or cancellation of any shipment booking or other loss of business or revenue claimed by You as a result of the unavailability of the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

15. All documents relating to or reflecting Your alleged lost profits referenced in paragraph "28" of the Complaint.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

16. All documents reflecting any effort by You to avoid or mitigate any of the alleged economic loss or damages You claim resulted from the unavailability of the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. OL USA further objects to this Request to the extent it seeks information or documents that are neither relevant to the above-captioned lawsuit, nor reasonably calculated to lead to the discovery of relevant evidence as to

whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

17. All documents relating to or reflecting Your efforts to access MAERSK's Tariff as referenced in paragraphs "38" through "40" of the Complaint.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

18. All documents relating to or reflecting any investigation made or requested by You or on Your behalf with respect to any alleged Shipping Act violation by MAERSK.

**RESPONSE:** Objection. OL USA incorporates its general objections and further objects to this Request on the basis that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing general and specific objections, OL USA will produce relevant, non-privileged responsive documents to this Request, within its possession, custody, and control to the extent they exist and can be located after a diligent search and a reasonable inquiry.

Dated: June 17, 2024

Respectfully submitted,

**BENESCH, FRIEDLANDER, COPLAN  
& ARONOFF LLP**

By: /s/ Kelly E. Mulrane

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*Counsel to Complainant*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Objections and Responses to Maersk A/S's First Set of Requests for Production of Documents* were electronically served on counsel for Maersk A/S on June 17, 2024.

*Kelly E. Mulrane*

One of the attorneys for OL USA LLC



**EXHIBIT "B"**

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

OL USA LLC,

Complainant,

v.

MAERSK A/S,

Respondent.

Docket No. 24-11

**COMPLAINANT OL USA LLC'S OBJECTIONS AND RESPONSES TO  
RESPONDENT MAERSK A/S'S FIRST SET OF INTERROGATORIES**

Complainant OL USA LLC ("OL USA"), by and through its undersigned counsel, and pursuant to 46 U.S.C. §§ 502.141 and 502.145, hereby serves its Objections and Responses to the First Set of Interrogatories (the "Interrogatories") of Respondent Maersk A/S ("Maersk").

**OBJECTIONS**

In addition to any specific objection or limitation stated below in OL USA's specific responses to Maersk's Interrogatories, OL USA incorporates the following objections and limitations into each of its responses:

1. OL USA objects to the Interrogatories to the extent they seek to expand OL USA's obligations under the Federal Maritime Commission's ("FMC") Rules of Practice, 46 C.F.R. § 502 *et seq.* (the "Rules of Practice"), or, to the extent applicable, the Federal Rules of Civil Procedure, and to the extent that, individually or in combination, they are contrary to the Rules of Practice or the Federal Rules of Civil Procedure.
2. OL USA objects to the Interrogatories to the extent they are overly broad, burdensome, vague and oppressive and in some instances seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. OL USA objects to the Interrogatories to the extent that they purport to require production or identification of documents which do not exist.

4. OL USA objects to the Interrogatories to the extent they seek certain information believed to be in the possession of Maersk and non-parties and is therefore equally if not more accessible to Maersk than to OL USA.

5. OL USA objects to the Interrogatories to the extent they seek information protected from discovery on the grounds of attorney-client privilege, the work product doctrine, or any other recognized privilege and/or applicable law.

6. OL USA objects to the Interrogatories to the extent they require OL USA to provide information with respect to the identity or substance of documents where such information could be derived or ascertained from the documents themselves, on the ground that the burden of deriving or ascertaining such information is substantially the same on OL USA as it is for Maersk, and because the documents speak for themselves.

7. OL USA objects to the Interrogatories to the extent they incorporate defined and undefined terms, which are vague, ambiguous and/or overreaching.

8. OL USA objects to the Interrogatories to the extent they constitute legal conclusions or characterize certain information or ideas as undisputed fact.

9. OL USA objects to the Interrogatories to the extent the information is sought to be used in another action or proceeding. Any information provided is to be used solely in connection with this litigation.

10. OL USA objects to Interrogatories for information or documents that pertain to a period of time that is outside the period of time relevant to OL USA's Complaint.

11. OL USA's responses are made subject to, and without waiver of, its rights to (a) contest the admissibility of any evidence disclosed in these responses or in any disclosure of information occurring pursuant to any document production; (b) object to any other requests of Maersk that may or may not relate to these responses; and (c) seek a protective order pursuant to 46 C.F.R. § 502.141(j).

12. OL USA's responses are submitted subject to and without waiving any of the specific or general limitations or objections set forth in these responses. These general objections are continuing, and they are incorporated by reference in each response below.

Subject to and without waiving the foregoing general objections, OL USA responds and objects to these Interrogatories as follows:

### **INTERROGATORIES**

1. Identify the name and title of the person responding to these Interrogatories on Your behalf.

**RESPONSE:** Subject to and without waiving its general objections, OL USA states that Matthew Fleisig (Vice President Freight Forwarding) and Alan Baer (President), with the assistance of counsel, responded to these Interrogatories.

2. Identify the name and job title of each representative of each Honour Lane Shipping entity with whom You have had any communication with respect to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections, and further objects to this Interrogatory to the extent it seeks information that is neither relevant to the above-captioned lawsuit, nor is reasonably calculated to lead to the discovery of relevant evidence as Honour Lane Shipping's conduct with respect to the Containers has no bearing and is not relevant to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA identifies the following individuals: Ziya Ye (Customer Service Manager, Logistic Department); Nick Pan (Customer Service); and Angie Cheung (General Manager). Discovery is ongoing and OL USA reserves the right to supplement this list of individuals.

3. Identify the name and job title of each MAERSK representative with whom You have had any communication with respect to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections, and further objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and requests information

more readily available to Maersk. OL USA further objects to the extent it seeks information that is neither relevant to the above-captioned lawsuit, nor is reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA identifies the following individuals: Rajkumar Pawar (Global Equipment); Ashanta Blackmon (Senior Account Executive); Dawn Colilla (Asset Optimization Manager); Lina Valencia (Export Customer Experience Partner – Ocean); Stefton Pereira (Asset Management); Sylvie Shen (Equipment Coordinator); Jacob Gomes (Global Equipment); Hebe Huang (Customer Experience); Santhosh Kumar (Centre Equipment); Suvarna K (Centre Equipment); Prashant Metkar (Senior Specialist Global Equipment - Centre Equipment); Jalil Rajiwat (Equipment Manager); Pushpa Pal (Global Equipment); and Deeplata Shingote (Global Equipment). Discovery is ongoing and OL USA reserves the right to supplement this list of individuals.

4. Identify the name(s) and address(es) of the container drayage carrier(s) that picked up and returned the Containers to the Georgia Port Authority's Savannah facility during October, 2021 through December, 2021.

**RESPONSE:** Objection. OL USA incorporates its general objections, and further objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and to extent it seeks information that is neither relevant to the above-captioned lawsuit, nor is reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with FMC Rules and The Shipping Act. Without waiving the foregoing general and specific objections, Port City Logistics picked up and returned the Containers to the Port of Savannah. Upon information and belief, Port City Logistics' address is 145 Distribution Drive, Savannah, Georgia 31408.

5. Identify the name(s) and job titles of each representative of the container drayage carrier(s) responsive to the above Interrogatory No. 4 with whom You had any communication with respect to the Containers.

**RESPONSE:** Objection. OL USA incorporates its general objections, and further objects to this Interrogatory on the basis that it is overly broad and unduly burdensome. OL USA further objects to the extent the Interrogatory seeks information that is neither relevant to the above-captioned lawsuit, nor is reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with FMC Rules and the Shipping Act. Without waiving the foregoing general and specific objections, OL USA states that it had communications with Alexis Sapp (Account Manager); Courtney Hewitt (Carrier Sales); Delores Ross; Kevin Holmes (Operations Manager); and Cole Willett regarding the Containers. Discovery is ongoing and OL USA reserves the right to supplement this list of individuals.

6. Identify each of Your representatives having personal knowledge of and responsibility for the following:

- (A) Your business and contractual relationship with any Honour Lane Shipping entity with respect to the Containers;

- (B) Your business and contractual relationship with MAERSK with respect to the Containers;
- (C) Your business and contractual relationship with the container drayage motor carrier(s) identified in response to Interrogatory No. 4;
- (D) Your dispatching, recovery, tracking, and payments with respect to the Containers;
- (E) Your research, review or attempted access of Maersk's Tariff provisions with respect to the Containers during 2020;
- (F) Calculating Your alleged economic losses or damages claimed in this action.

**RESPONSE:** Objection. OL USA incorporates its general objections, and further objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and to the extent it seeks information that is neither relevant to the above-captioned lawsuit, nor is reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL US identifies the following individuals: Matthew Fleisig; Alan Baer; Angel Espinoza; Carrie Dollear; and Sylvie Boualavong. Discovery is ongoing and OL USA reserves the right to supplement this list of individuals.

7. Identify each and every loss of any shipment booking, loss of business or loss of revenue alleged by You as a result of the unavailability of the Containers and with respect to each such alleged loss, provide the following:

- (A) the date of the loss;
- (B) the nature of the loss;
- (C) the actual or potential customer, shipper or consignee involved;
- (D) the dollar amount of the loss; and
- (E) all documents You rely on or refer to in answering this Interrogatory.

**RESPONSE:** Objection. OL USA incorporates its general objections, and further objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and to the extent it seeks information that is neither relevant to the above-captioned lawsuit, nor is reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA states but for Maersk's misconduct, it would not have purchased the Containers. Further answering, OL USA states that if it was able to timely recover its Containers, it could have used them for shipments or sold them.

8. Set forth in detail how You calculate each element of Your alleged economic losses or damages claimed in this action and with respect to each such element, provide the

following:

- (A) The mathematical formula used for Your calculation; and
- (B) All documents You rely on or refer to for Your calculation.

**RESPONSE:** Subject to and without waiving its general objections, OL USA states that its damages include the \$32,500 it spent to purchase the Containers from Honour Lane Shipping and detention/demurrage costs using Maersk's rates at the applicable times. Additionally, OL USA seeks to recover the lost profits it could have made if Maersk had timely returned the Shipping Containers. This can be calculated by multiplying the number of trips inbound, the number of containers, and the extra margin. OL USA also seeks to recover applicable interest and its reasonable attorneys' fees. Further answering, OL USA directs Maersk to OL USA's FMC Mediation Statement, which was served on June 12, 2024, and details OL USA's damages claim. OL USA will produce all responsive, relevant documents in its possession, custody, and control responsive to this Interrogatory.

9. State whether You have filed a notice or claim with any insurer with respect to the Containers and, if so, provide the following:

- (A) The name and address of the insurer;
- (B) The number and effective period of each Policy issued by the insurer to You that provides, or may provide, coverage;
- (C) The dollar amount of any claim You filed with each insurer;
- (D) Copies of all notices, claims and written communications exchanged between You and each insurer.

**RESPONSE:** Objection. OL USA incorporates its general objections, and further objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and to the extent it seeks information that is neither relevant to the above-captioned lawsuit, nor is reasonably calculated to lead to the discovery of relevant evidence as to whether Maersk maintained a tariff in compliance with the FMC Rules and The Shipping Act. Subject to and without waiving the foregoing general and specific objections, OL USA states it has not filed a notice or claim with any insurer with respect to the Containers.

Dated: June 17, 2024

Respectfully submitted,

**BENESCH, FRIEDLANDER, COPLAN  
& ARONOFF LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Objections and Responses to Maersk A/S's First Set of Interrogatories* were electronically served on counsel for Maersk A/S on June 17, 2024.

*Kelly E. Mulrane*

One of the attorneys for OL USA LLC