

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 24-16

SAMSUNG ELECTRONICS

AMERICA, INC.,

COMPLAINANT,

v.

COSCO SHIPPING LINES CO., LTD,

RESPONDENT.

JOINT MOTION FOR EXTENSION OF TIME NO. 1¹

Samsung Electronics America, Inc. (“Complainant” or “SEA”), and Respondent COSCO Shipping Lines Co. Ltd. (“Respondent” or “COSCO”) (collectively the “Parties”), by and through their undersigned counsel, hereby submit this Joint Motion for Extension of Time. Pursuant to 46 C.F.R. § 502.102, motions for enlargement of time “may be granted upon a showing of good cause” if “received at least seven (7) days before the scheduled filing date.” SEA’s deadline to file its opposition is May 24, 2024, and COSCO’s deadline for its reply is May 31, 2024, so both parties comply with the seven-day requirement.

¹ The Parties are mindful of the Presiding Officer’s Order on Consent Motion to Extend dated April 8, 2024, which advised that sequential numbering of motions is encouraged. This is the first joint motion and the second motion for an extension.

On March 28, 2024, Complainant filed its verified complaint. Subsequently, on April 5, 2024, COSCO filed its unopposed motion for extension of time to respond to SEA's complaint, which was granted on April 8, 2024, extending the time to file the answer to the complaint to May 9, 2024. On May 9, 2024, COSCO filed its motion to dismiss.

The rules of the Federal Maritime Commission ("FMC"), 46 C.F.R. § 502.70(b), provide that a response to a dispositive motion must be filed no later than fifteen (15) days after service of the motion, in this case, May 24, 2024, with Respondent's reply seven (7) days later, in this case, May 31, 2024, absent an enlargement of time pursuant to 46 C.F.R. § 502.102. The Parties respectfully request that Complainant be granted an enlargement of twenty (20) additional days to file its response, to June 13, 2024, and for Respondent to be granted an enlargement of seven (7) additional days to file its reply to SEA's response.²

The Parties submit that good cause exists to grant the enlargement of time and that the additional time would not cause any undue prejudice or delay. Complainant has a concurrent proceeding (Docket No. 23-01, Samsung Electronics America, Inc. v. SM Line Corporation) before the FMC, which is currently undergoing the briefing stage. In that proceeding, Respondent SM Line Corporation's deadline to submit its reply brief and proposed findings of fact is May 15, 2024, and SEA's deadline to file its reply to those submissions is May 30, 2024. Granting the extension will promote judicial efficiency and fulsome briefing to Your Honor by allowing Complainant time to prepare its response to COSCO's dispositive motion to dismiss after it submits its reply brief and response to SM Line's proposed findings of fact in Docket No. 23-01.

² The cumulative response periods, as requested, would be 35 days for Complainant's response and 14 days for Respondent's reply.

COSCO will then have additional time to consider the arguments raised by SEA when preparing its reply brief.

The Parties agree that this will not cause any disadvantage to either side and further that it is consistent with the additional time granted to Respondent, utilized to prepare its motion to dismiss, and to provide additional time for Complainant to prepare its response. The Parties respectfully request extension of the deadlines as follows:

Event	Current Deadline	Requested Deadline
Complainant's response to COSCO's motion to dismiss	May 24, 2024	June 13, 2024
Respondent's reply to Complainant's response	May 31, 2024	June 27, 2024

For the reasons set forth above, the Parties respectfully request that the Joint Motion for Extension of Time be granted.

Dated: May 15, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the execution date which appears below, the undersigned served the attached document on counsel at the following email addresses:

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