

FEDERAL MARITIME COMMISSION
Office of Administrative Law Judges

SAMSUNG ELECTRONICS AMERICA, INC., *Complainant*

v.

COSCO SHIPPING LINES CO., LTD., *Respondent*.

DOCKET NO. 24-16

Served: May 16, 2024

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

SECOND ORDER ON MOTION TO EXTEND

On March 28, 2024, the Commission issued a Notice of Filing of Complaint and Assignment (“Notice”) for this proceeding. On April 5, 2024, Respondent filed a motion to extend time to respond to the complaint to May 9, 2024, indicating that Complainant consented to the request. That motion to extend was granted, allowing Respondent an additional 17 days to respond to the complaint. On May 9, 2024, Respondent filed a Motion to Dismiss (“MTD”).

On May 15, 2024, the parties filed a Joint Motion for Extension of Time No. 1 (“JM1”) which is the second request for an extension of time early in this proceeding. The motion was filed “at least seven (7) days before the scheduled filing date” in compliance with 46 C.F.R. § 502.102 and seeks 20 additional days for Complainant to respond to the MTD, and 7 additional days for Respondent to then reply.

The motion asserts as good cause for the extension that Complainant has a reply brief and response to proposed findings of fact due on May 30, 2024, in another proceeding before the Commission. JM1 at 1. The motion further states: “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.” JM1 at 2.

It is unclear from the motion why Complainant’s obligations in another case should also affect Respondent’s time to reply. In general, the parties should not expect their obligations in other cases to be good cause to extend due dates set by the rules and regulations when there are multiple attorneys appearing in a case. In terms of maintaining equity with the 17-day extension Respondent received to file its response to the complaint, Complainant’s response to the MTD should be due June 10, 2024, not later. There is no good cause for similarly extending the reply for Respondent as that would once again tip the balance.

Accordingly, good cause being found to extend the time for Complainant to file a response, the motion is **GRANTED IN PART** and **DENIED IN PART**. It is

ORDERED that Complainant file its response to Respondent's Motion to Dismiss by June 10, 2024. It is

FURTHER ORDERED that Respondent file its reply to Complainant's response by June 17, 2024.

To avoid further delay in this proceeding, no further extension requests will be entertained in relation to the pending MTD. Moreover, if Complainant is considering a motion to amend its complaint in response to the MTD, it must concurrently file a motion requesting to amend and a proposed amended complaint with the response to the MTD.

In terms of the sequential numbering of filings encouraged in the Initial Order and reiterated in the Order on Consent Motion to Extend, the numbering should relate to the type of action requested (here, a second request to extend or enlarge time), rather than whether it is a joint motion, consent motion, or motion made by one party.



Linda S. Harris Crovella
Administrative Law Judge