

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 24-17

SAMSUNG ELECTRONICS AMERICA, INC.,

COMPLAINANT,

v.

ORIENT OVERSEAS CONTAINER LINE, LIMITED AND
OOCL (EUROPE) LTD.

RESPONDENTS.

SECOND JOINT MOTION FOR EXTENSION OF TIME

Samsung Electronics America, Inc. (“Complainant” or “SEA”), together with Respondents Orient Overseas Container Line, Limited and OOCL (Europe) Ltd. (collectively “Respondents” or “OOCL”) (together with SEA, collectively the “Parties”), by and through their undersigned counsel, hereby submit this Second Joint Motion for Extension of Time¹. 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.” Respondents filed their Motion to Dismiss on Monday, May 13, 2024 (Doc. No. 10). Complainant’s deadline to file its Opposition is currently scheduled for May 28, 2024. Seven days before the scheduled filing date is Tuesday May 21, 2024.

¹ The First Joint Motion for Extension of Time was styled as a Consent Motion (Docket No. 24-17, Doc. No. 07).

On March 28, 2024, Complainant filed its verified Complaint (Doc. No. 01). On April 3, 2024, Respondents filed a Consent Motion for Extension of Time in light of the good cause which existed for an extension of the time to respond to SEA’s complaint (Doc. No. 07). The Consent Motion was subsequently granted on April 4, 2024, extending the time to file the Answer to the Complaint to May 13, 2024 (Doc. No. 09). On May 13, 2024, Respondents filed their Motion to Dismiss the Complaint (Doc. No. 10).

The rules of the Federal Maritime Commission (the “Commission”), 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 28, 2024, with Respondent’s reply due seven (7) days later – in this case, June 4, 2024 – absent an enlargement of time pursuant to 46 C.F.R. § 502.102.

The Parties have conferred, and Respondents agree to this request for an enlargement of seventeen (17) additional days to file Complainant’s Opposition, to June 14, 2024, and for Respondent to be granted an enlargement of seven (7) additional days to file its Reply to SEA’s Opposition.

The Parties submit that good cause exists to grant the enlargement of time. Complainant has numerous concurrent proceedings before the Commission (Docket No. 22-30, *Samsung Electronics America, Inc. v. Zim Integrated Shipping Services Ltd.*; Docket No. 23-01, *Samsung Electronics America, Inc. v. SM Line Corporation*; Docket No. 24-17, *Samsung Electronics America, Inc. v. COSCO Shipping Lines Co., Ltd.*) which are at various stages. Accordingly, Complainant requires additional time to consider the arguments raised in Respondents’ Motion to Dismiss (Doc. No. 10) and to ensure its position across the multiple dockets remains consistent. In addition, Counsel for both Parties are working cooperatively on other matters and utilizing the

Commission’s Consumer Affairs and Dispute Resolution Services offerings, which has impacted Counsel’s schedules and supports the extension of time for both Parties.

Granting the extension will promote judicial efficiency and fulsome briefing to Your Honor by allowing Complainant time to prepare its response to Respondents’ dispositive Motion to Dismiss (Doc. No. 10). The Parties agree that this will not cause any undue delay, disadvantage, or prejudice to either side, and further that it is consistent with the additional time granted to Respondents, utilized to prepare its Motion to Dismiss. Accordingly, the Parties respectfully request extension of the deadlines as follows:

Event	Current Deadline	Requested Deadline
Complainant’s Opposition to Respondents’ Motion to Dismiss	May 28, 2024	June 14, 2024
Respondents’ Reply to Complainant’s Opposition	June 4, 2024	June 28, 2024

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

Dated: May 20, 2024

Respectfully Submitted,

MILLS BLACK LLP

By: /s/ Peter F. Black

Peter F. Black
H. Allen Black
1215 19th Street, NW
Washington, DC 20036
pblack@millsblack.com
hblack@millsblack.com

Counsel to Samsung Electronics America, Inc.

**JEFFREY/FENNEMAN LAW +
STRATEGY, PLLC**

By: /s/ Rebecca A. Fenneman

Rebecca A. Fenneman
Eric C. Jeffrey
Kaya C. Massey
Nicholas L. Webb
700 12th Street, NW Suite 700
Washington, DC 20005
RFenneman@JeffreyFenneman.com
EJeffrey@JeffreyFenneman.com
KMassey@JeffreyFenneman.com
NWebb@JeffreyFenneman.com

*Counsel to Orient Overseas Container Line Limited
and OOCL (Europe) Limited*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document by electronic mail upon the following persons/addresses:

1. Office of the Secretary
Federal Maritime Commission
secretary@fmc.gov
2. Hon. Alex M. Chintella - *Administrative Law Judge*
Federal Maritime Commission
Judges@fmc.gov
3. Rebecca A. Fenneman - *Counsel for Respondents*
JEFFREY/FENNEMAN LAW + STRATEGY, PLLC
RFenneman@JeffreyFenneman.com
4. Eric C. Jeffrey - *Counsel for Respondents*
JEFFREY/FENNEMAN LAW + STRATEGY, PLLC
EJeffrey@JeffreyFenneman.com
5. Kaya C. Massey - *Counsel for Respondents*
JEFFREY/FENNEMAN LAW + STRATEGY, PLLC
KMassey@JeffreyFenneman.com
6. Nicholas L. Webb - *Counsel for Respondents*
JEFFREY/FENNEMAN LAW + STRATEGY, PLLC
NWebb@JeffreyFenneman.com

Dated: May 20, 2024

Respectfully Submitted,

By: /s/ Peter F. Black

Peter F. Black
MILLS BLACK LLP
1215 19th Street NW,
Washington, DC 20036
Tel: (202) 967-4100
Email: pblack@millsblack.com

Counsel to Samsung Electronics America, Inc.