

FEDERAL MARITIME COMMISSION
Office of Administrative Law Judges

INTERNATIONAL EXPRESS TRUCKING, INC., *Complainant*

v.

COSCO SHIPPING LINES CO., LTD. AND COSCO SHIPPING
(NORTH AMERICA) INC., AS AGENT FOR COSCO SHIPPING
LINES CO., LTD., *Respondents*.

DOCKET NO. 24-20

Served: April 4, 2025

ORDER OF: Alex M. CHINTELLA, *Administrative Law Judge*.

SCHEDULING ORDER

On April 4, 2025, the parties filed a joint status report and proposed discovery and briefing schedule. The discovery schedule proposed by the parties completes discovery on August 11, 2025, within five months of service of Respondent's answer on March 20, 2025. The Commission's rules require completion of discovery within 150 days of service of the answer, and therefore, the parties' proposed schedule complies with the rule. 46 C.F.R. § 502.141(g).

To make the discovery process more efficient, the parties are encouraged to agree to limitations on discovery and stipulations of facts. The parties are also encouraged to review the Initial Order for instructions related to confidential information. For example, parties may not mark entire depositions as confidential, so they should ask questions that may require confidential responses together, typically at the end of the deposition.

Under normal circumstances, cases such as these are resolved following briefing, and the parties have proposed a briefing schedule. I have set forth the agreed-upon briefing schedule below. Complainants and Respondent requested that a hearing be held in the matter. Pursuant to 46 C.F.R. § 502.62(a)(5), "[t]he presiding officer will determine whether an oral hearing is necessary." At this point in the proceeding, it is not clear that there is reason to conduct an oral hearing – accordingly, the parties' requests are **DENIED WITHOUT PREJUDICE**.

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

April 11, 2025	Parties make initial disclosures
April 18, 2025	Initial written discovery requests due
May 19, 2025	Responses to initial written discovery requests due
June 2, 2025	Depositions begin
July 11, 2025	Deadline for submission of discovery requests

August 11, 2025	Discovery ends, depositions complete, parties to file joint status report
September 10, 2025	Complainant's Brief, Proposed Findings of Fact, and Appendix
October 10, 2025	Respondent's Brief, Responses to Proposed Findings of Fact, Proposed Findings of Fact, and Appendix
October 24, 2025	Complainant's Reply Brief and Responses to Proposed Findings of Fact

The parties are reminded that a “scheduling order ‘is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded by counsel without peril.’” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992) (quoting *Gestetner Corp. v. Case Equipment Co.*, 108 F.R.D. 138, 141 (D. Me. 1985)). Moreover, “[p]arties cannot control an agency’s docket or procedures through agreement among themselves.” *Simmons v. United States*, 698 F.2d 888, 893 (7th Cir. 1983). The authority of courts to control their dockets is well settled. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-31 (1962); *United States v. Hughey*, 147 F.3d 423, 429 (5th Cir. 1998).

Motions will not automatically stay other deadlines in the proceeding. If a motion could impact other deadlines, that should be clearly addressed in the motion and any response. All requests for extension of time will be reviewed for good cause, even if the parties agree on the requested extension. Pursuant to the Howard Coble Coast Guard and Maritime Transportation Act of 2014 and Commission Docket No. 15-06, attorney fees may be awarded to any prevailing party in a complaint proceeding. It is therefore in the best interest of the parties to proceed expeditiously.

The following instructions regarding discovery disputes supersede the instructions in Initial Order paragraph 12:

A party planning to file a motion to compel must first email me at judges@fmc.gov, copying all parties and providing a brief description of the discovery dispute (less than 250 words). I will schedule a discovery conference and/or provide any supplemental instructions regarding the motion to compel that are necessary to expedite resolution of the dispute. 46 C.F.R. § 502.141(i)(1). Prior to emailing me, the parties must make every reasonable effort to resolve the discovery dispute, and the motion to compel must certify compliance with this requirement. 46 C.F.R. §§ 502.141(i)(2), 502.150(a)(2)(i).

The parties should note that the Commission utilizes Westlaw. Citations to opinions on Lexis should include a parallel citation to Westlaw, if possible. Citations to Commission decisions may be made to official reporters including F.M.C., F.M.C.2d, Pike & Fischer Shipping Regulations Reports (S.R.R.), Westlaw, or Commission slip opinions. Every citation to a Commission case should include the case name, level (FMC or ALJ) and exact date of service (month/day/year). Selected FMC cases, including F.M.C. from 1919-1987 and F.M.C.2d from 2018 to present are available at <https://www.fmc.gov/complaints-and-assistance/fmc->

[proceedings-and-reports](#). If a document from another source is cited, the decision or ruling must be transmitted via e-mail to judges@fmc.gov. Every citation to a Commission case should include the case name, docket number, decision-maker (FMC for the Commission; ALJ for an Administrative Law Judge; SCO for a Small Claims Officer) and exact date of service (month/day/year). Subsequent history should be included where available. For example:

- *Bakerly, LLC v. Seafrigo USA, Inc.*, Docket No. 22-17, 2024 WL 95381 (ALJ Jan. 3, 2024) (*aff'd* 2024 WL 4678461 (FMC Oct. 30, 2024)).

- *Prudential Lines, Inc v. Continental Grain Co.*, Docket No. 79-9, 25 F.M.C. 203 (FMC Aug. 20, 1982).

- *Coppersmith Global Logistics Inc. v. ZIM USA Inc.*, Docket No. 1996(I), 7 F.M.C.2d 116 (SCO Dec. 11, 2023) (FMC notice not to review, Jan. 11, 2024).

The parties' briefs, proposed findings of fact, responses to proposed findings of fact, and appendices shall be in the following forms:

1. **[Party's] Brief.** Each party shall file a brief meeting the requirements of Commission Rule 214, 46 C.F.R. § 502.214, with the exception that the proposed findings of fact and responses to the proposed findings of fact shall not count toward the page limit found in Rule 214(e). The brief should cite to evidence in the appendix using the required sequential numbers (see below).
2. **[Party's] Proposed Findings of Fact.** This document shall set forth proposed findings of fact in numbered paragraphs. Each paragraph shall be limited, as nearly as practicable, to a single factual proposition. Each factual proposition shall be followed by an exact citation to evidence that the party contends will support the proposed finding of fact; e.g., a page number in the appendix. The party shall provide to each other party and to the Office of Administrative Law Judges an electronic copy of its proposed findings of fact with the hard copy of its proposed findings of fact. The electronic copy shall be in a word-processing format (e.g., Microsoft Word) and provided by email.
3. **[Party's] Responses to [Party's] Proposed Findings of Fact.** This document shall set forth verbatim each proposed finding of fact in another party's proposed findings of fact, then admit or deny the proposed finding. Each proposed finding of fact that an opposing party denies shall be followed by an exact citation to evidence that the opposing party contends will rebut the evidence the proposing party claims supports the proposed finding of fact. The opposing party shall provide to the party and to the Office of Administrative Law Judges an electronic copy of the response to [Party's] proposed findings of fact with the hard copies of the response to [Party's] proposed findings of fact. The electronic copy shall be in a word-processing format (e.g., Microsoft Word) and provided by email.
4. **[Party's] Appendix.** The evidence on which a party's proposed findings of fact or response to another party's proposed findings of fact is based shall be included in an appendix.

- a. The cover of the appendix shall identify the party or parties that prepared the appendix;
- b. The appendix should be in one PDF document, if practicable. The pages of the appendix shall be numbered sequentially, for example CX 1, CX 2 or RX 1, RX 2, etc.;
- c. The appendix must begin with a table of contents identifying the page at which each individual document begins and each exhibit should be clearly identified, for example, by a cover sheet or bookmark;
- d. Each party shall ensure that all documents in its appendix are legible and in English or include a verified translation as required by Rule 7 (*see* 46 C.F.R. § 502.7); and
- e. The parties are instructed to cite to a document in an appendix already in the record rather than include the same document in its own appendix. For instance, if Respondent contends that a document included in Complainants' appendix rebuts the evidence Complainant claims supports a proposed finding of fact, Respondent shall cite to Complainants' appendix rather than include a second copy of the same document in its own appendix.

Any filing submitted without page numbers, including on exhibits, may be rejected. Parties must also follow the instructions in the Initial Order, including the requirements for submitting confidential information. All filings "must be filed with the Secretary, Federal Maritime Commission." 46 CFR 502.2(a). This filing requirement applies to both the confidential and public versions of filings. The Commission has waived paper filing requirements and permitted filings by email. Therefore, filings of confidential versions of documents, as well as the public version, should be sent by email to secretary@fmc.gov with a courtesy copy to judges@fmc.gov. Confidential filings should be clearly marked on the subject line, in the email, and on the document itself.

Parties may be required to refile any documents that do not follow the requirements above or in the Initial Order.

The parties are directed to consult with each other to determine the most practicable way to send electronic copies of documents in a word-processing format to each other. The parties are directed to email the electronic copy in a word-processing format of required documents to the Office of Administrative Law Judges at the following email address: judges@fmc.gov, with opposing counsel copied. Word-processing versions should not be submitted to the Office of the Secretary.

Alex M. Chintella
Administrative Law Judge