

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

**Docket No. 25-29**

**MAC Industries Inc. dba MAC Container Line,  
Complainant,**

**v.**

**COSCO Shipping Lines Co., Ltd. and COSCO Shipping Lines (North America) Inc.,  
Respondents.**

**COMPLAINANT'S OPPOSITION TO RESPONDENTS' MOTION TO DISMISS  
Filed Pursuant to 46 C.F.R. § 502.74**

**INTRODUCTION**

Complainant MAC Industries Inc. dba MAC Container Line ("MAC") hereby submits this consolidated Opposition to Respondents' Motion to Dismiss. At this stage of the proceeding, MAC need only plausibly allege violations of the Shipping Act. The Complaint more than satisfies that standard.

**ARGUMENT**

**I. The Commission Has Jurisdiction Over This Dispute**

Respondents' attempt to recast this matter as a simple contract dispute fails. MAC alleges retaliatory, discriminatory, and unreasonable practices squarely within 46 U.S.C. §§ 41102(c) and 41104(a). Such claims fall at the core of the Commission's jurisdiction.

**II. MAC Has Adequately Pleaded Retaliation and Discrimination**

The Complaint alleges a clear temporal and causal link between MAC's good-faith dispute of detention invoice #2087591235 and COSCO's subsequent suspension of bookings, attempted contract cancellation, and withdrawal of commercial support. These allegations, taken as true, plausibly state claims for retaliation and discrimination under the Shipping Act.

Moreover, FMC precedent confirms that retaliation and discrimination claims under the Shipping Act are inherently fact-intensive and rarely suitable for resolution at the pleading stage. Where, as here, a complainant alleges a sequence of protected conduct followed closely by adverse commercial action, the Commission has consistently held that dismissal is inappropriate and that such claims must be tested on a developed factual record rather than resolved as a matter of law.

Respondents' arguments improperly invite the Commission to weigh competing narratives and draw inferences in Respondents' favor. At this stage, however, MAC need only plausibly allege retaliatory and discriminatory conduct—not prove it. The Complaint easily satisfies that standard.

Respondents' motion improperly attempts to resolve factual disputes and weigh competing evidence, which is inappropriate at the pleading stage.

### **III. Dismissal of COSCO Shipping Lines (North America) Inc. Is Improper**

Respondents seek dismissal of COSCO Shipping Lines (North America) Inc. ("CSLNA"), arguing that only the foreign parent issued the service contract. This argument fails as a matter of law and fact.

First, the Complaint alleges that CSLNA directly participated in the challenged conduct, including suspending MAC's booking privileges, restricting SWB authority, transmitting retaliatory directives, and enforcing the disputed detention invoice. At the pleading stage, joint participation is sufficient to state a claim under the Shipping Act.

Second, whether CSLNA ultimately bears joint or several liability is a merits question inappropriate for resolution on a motion to dismiss. The Commission has repeatedly held that dismissal is improper where a domestic affiliate is plausibly alleged to have implemented or enforced the challenged practices.

Third, CSLNA's continued presence is necessary to ensure effective relief. CSLNA is the U.S.-based entity through which COSCO conducts bookings, billing, and customer access. Dismissing CSLNA would undermine the Commission's ability to order meaningful reparations and prospective relief.

Accordingly, CSLNA must remain a Respondent in this proceeding.

### **IV. Respondents' Remaining Arguments Fail**

Respondents' remaining arguments improperly ask the Commission to weigh evidence, resolve factual disputes, and credit Respondents' narrative over MAC's well-pleaded allegations. Such arguments are reserved for later stages.

### **CONCLUSION**

For the foregoing reasons, Respondents' Motion to Dismiss should be denied in its entirety.

Dated: February 25, 2026



Respectfully submitted,  
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CERTIFICATE OF SERVICE

I hereby certify that on this 25<sup>th</sup> day of February 2026, a true and correct copy of the foregoing Opposition of Complainant to Respondents' Motion to Dismiss was served via electronic mail upon counsel for Respondents:

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Respectfully submitted,



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