

**BEFORE THE
FEDERAL MARITIME COMMISSION**

Docket No. 25-29

MAC Industries Inc. DBA Mac Container Line

v.

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

**RESPONDENTS' REPLY TO COMPLAINANT'S IMPROPER MOTION
FOR LEAVE TO ACCEPT OUT-OF-TIME FILING**

Respondent COSCO Shipping Lines Co., Ltd. (“COSCO”) and putative Respondent COSCO Shipping Lines (North America) Inc. (“CSLNA”) hereby oppose Complainant MAC Industries Inc.’s (“Complainant” or “MAC”) “Motion for Leave to Accept Out-of-Time Opposition.”

INTRODUCTION

On January 23, 2026, COSCO and CSLNA filed a Motion to Dismiss (“MTD”) MAC’s Complaint (“Complaint”) in this matter. Under the Commission’s Rules, MAC was required to respond to the MTD no later than February 9, 2026. MAC did not nearly meet that deadline, filing its Opposition more than two weeks late, on February 25, 2026, and only after the Office of the Administrative Law Judges (OALJ) sent an email inquiring whether Complainant’s response had been lost in the Commission’s filing system. On March 2, Respondents filed a Reply to

Complainant's Belated Opposition to Respondents' Motion to Dismiss. The Reply identified that MAC had failed to follow the Commission's Rules, in that (i) the Opposition was very untimely, and (ii) that the Opposition failed to comply with the Commission's requirement that all filings be double-spaced.

Later that day, Complainant attempted to cure one of the two deficiencies (but not the requirement of double spacing) by filing the instant Motion for Leave to Accept Out-of-Time Opposition ("Motion"). The Motion was again single-spaced, and did not state whether Complainant had fulfilled its obligation to confer with Respondent before filing the Motion and to state that it had done so in the body of the Motion.

ARGUMENT

It is rather ironic that Complainant, in attempting to cure its former flouting of the Commission's Rules has again flouted those Rules, in at least two regards.

First, as previously identified and quoted in the Reply, the Commission's Rules flatly require that all filings be double spaced. 46 C.F.R. 502.2(j)(text, other than block quotes. "must be double spaced"). Despite Complainant's notice of this requirement, MAC continued to violate this Rule in its Motion.

Even more fundamentally, MAC blatantly ignored the requirement of the FMC Rules that it confer with Respondents before filing a motion and that the fact and result of such conferral be expressly stated in the Motion. As Rule 71(a), 46 C.F.R. 502.71(a), explicitly states that a non-dispositive motion, such as the instant Motion, must meet certain requirements, *viz*:

Before filing a non-dispositive motion . . . , the parties must attempt to discuss the anticipated motion with each other in a good faith effort to determine whether there is any opposition to the relief sought and, if there is opposition, to narrow the areas

of disagreement. The *moving party* must state within the body of the motion what attempt was made or that the discussion occurred and whether the motion is opposed. (Emphasis added).

The Motion does not say anything about conferral or an attempt to confer, and no such attempt was made.

MAC tries to excuse its failure to follow the deadlines on the basis of ignorance – asserting that it expected some kind of schedule from the Presiding Officer before it was required to file its Opposition. But this simply proves that Complainant has been acting in reckless disregard of the Rules. As the Initial Order makes clear, “Parties are strongly urged to familiarize themselves with the Commission’s rules of practice and procedure. Filings may be rejected for failure to comply with the rules.” Had MAC made even a cursory review of the FMC Rules, it would have found that they provide an express deadline – “A response to a dispositive motion *must be* served and filed **within 15 days** after the date of service of the motion. 46 C.F.R. 502.70(b) (emphasis added). Accordingly, there is no excuse for Complainant not knowing the due date for its Opposition, other than willful ignorance.

As explained in the Reply to the Opposition, Complainant cannot use its pro se status to excuse this sloppy litigation – a pro se party must still comply with the Commission’s procedural and substantive rules. *See, e.g., Denlinger v. Brennan*, 87 F.3d 214, 217 (7th Cir. 1996) (pro se party has no right to engage in sloppy litigation); *Andrews v. Bechtel Power Corp.*, 780 F.2d 124, 140 (1st Cir. 1985) (pro se party does not have license to fail to comply with relevant procedural and substantive rules).

CONCLUSION

Complainant's Motion for Leave to Accept Out-of-Time Opposition fails to abide by the FMC's procedural and substantive rules. Accordingly, the Motion should be denied.

Dated: March 3, 2026

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2026, a true and correct copy of the foregoing document was served by email on all counsel of record in accordance with 46 CFR Part 502 and the Commission's Order of May 12, 2020 as follows:

Brad Heier, President
MAC Industries Inc. DBA MAC Container Line
brad@maccontainer.com

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kaya C. Massey", written in a cursive style.

Kaya C. Massey