

**ORIGINAL**

S E R V E D  
February 25, 2008  
FEDERAL MARITIME COMMISSION

**FEDERAL MARITIME COMMISSION**

**WASHINGTON, D.C.**

**DOCKET NO. 07-10**

**KAWASAKI KISEN KAISHA, LTD. ("K" LINE)**

**v.**

**FASHION ACCESSORIES SHIPPERS ASSOCIATION, INC.;**  
**GEMINI SHIPPERS ASSOCIATION, INC.;**  
**SARA MAYES; and**  
**HAROLD SACHS**

**MEMORANDUM AND ORDER ON  
MOTION TO DISMISS FILED BY SARA MAYES AND HAROLD SACHS and  
MOTION FOR LEAVE TO AMEND COMPLAINT**

On November 8, 2007, complainant Kawasaki Kisen Kaisha, Ltd., ("K" Line) filed its complaint and initial discovery with the Commission. On November 18, 2007, the Secretary served the Complaint, initial discovery, and Notice of Filing on Respondents. 72 Fed. Reg. 65963 (Nov. 26, 2007). On December 14, 2007, in lieu of an answer, respondents Sarah Mayes and Harold Sachs filed a motion to dismiss the Complaint for failure to state a claim against them. In its reply to the motion, after summarizing its reasons that Mayes and Sachs could be proper respondents, "K" Line states, "'K' Line will not oppose the relief sought in the Motion, dismissal of Movants from this Docket, without prejudice to subsequent action." (Reply of ["K" Line] to Motion to Dismiss

Respondents Sachs and Mayes at 7.) Therefore, I will grant the motion to dismiss the complaint against Mayes and Sachs without prejudice.

On January 7, 2008, “K” Line filed a Motion of [“K” Line] for Leave to Amend Complaint with an attached Amended Complaint. The motion seeks to add a claim for reparations, interest, and attorney’s fees. ( Motion of [“K” Line] for Leave to Amend Complaint at 1.) On January 22, 2008, Respondents filed their Reply of Respondents to Motion to Amend Complaint stating that while they “do not agree that K-Line is entitled to recover reparations, interest or attorney fees in this action,” (Reply of Respondents to Motion to Amend Complaint at 1), they do not oppose the Motion for Leave to Amend the Complaint. (*Id.* at 2.) Therefore, I will grant the motion for leave to amend the complaint. Respondents Fashion Accessories Shippers Association, Inc., and Gemini Shippers Association, Inc., are directed to serve and file their answer to the Amended Complaint on or before March 7, 2008.

Commission Rule 201 requires the parties

to meet or confer within fifteen (15) days after service of the answer to a complaint . . . to: establish a schedule for the completion of discovery within the 120-day period prescribed in paragraph (c) of this section; resolve to the fullest extent possible disputes relating to discovery matters; and expedite, limit, or eliminate discovery by use of admissions, stipulations and other techniques. The schedule shall be submitted to the presiding officer not later than five (5) days after the conference.

46 C.F.R. § 502.201(d). The parties have not yet submitted the schedule required by Rule 201.

I have directed Respondents to file their answer to the Amended Complaint by March 7, 2008. Accordingly, the parties are directed to meet or confer on or before March 24, 2008, to establish the discovery schedule required by Rule 201 and submit the discovery schedule to the Commission within five days after the conference.

## O R D E R

Upon consideration of the Motion to Dismiss filed by respondents Sara Mayes and Harold Sachs and the Reply of Kawasaki Kisen Kaisha, Ltd., to Motion to Dismiss Respondents Sachs and Mayes, it is hereby

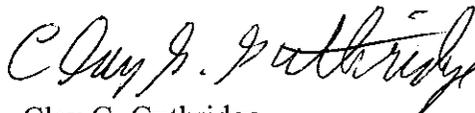
**ORDERED** that the Motion to Dismiss filed by respondents Sara Mayes and Harold Sachs be **GRANTED**. The complaint against Sara Mayes and Harold Sachs is dismissed without prejudice. Sara Mayes and Harold Sachs will be removed from the caption of this proceeding.

Upon consideration of the Motion of Kawasaki Kisen Kaisha, Ltd., for Leave to Amend Complaint and the Reply of Respondents to Motion to Amend Complaint, it is hereby

**ORDERED** that the Motion of Kawasaki Kisen Kaisha, Ltd., for Leave to Amend Complaint be **GRANTED**. The Secretary is asked to file the Amended Complaint attached to "K" Line's motion. It is

**FURTHER ORDERED** that on or before March 7, 2008, respondents Fashion Accessories Shippers Association, Inc., and Gemini Shippers Association, Inc., serve and file their answer to the Amended Complaint. It is

**FURTHER ORDERED** that on or before March 24, 2008, the parties meet or confer to establish the discovery schedule required by Rule 201 and submit the discovery schedule within five days after the conference.



Clay G. Guthridge  
Administrative Law Judge