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June 4, 2013

## VIA HAND DELIVERY

Karen V. Gregory, Secretary  
Federal Maritime Commission  
800 North Capitol Street, NW – Room 1046  
Washington, DC 20573

Re: *Mitsui O.S.K. Lines Ltd. v. Global Link Logistics, Inc., et al., Docket No. 09-01*

Dear Ms. Gregory:

In connection with the above-referenced matter, and on behalf of Respondent Global Link Logistics, Inc., we are enclosing an original and five copies of Global Link Logistics, Inc.'s Joinder in the Olympus Respondents' Motion to Strike.

A PDF and Word version was filed with [secretary@fmc.gov](mailto:secretary@fmc.gov) and [judges@fmc.gov](mailto:judges@fmc.gov) on June 4, 2013. We have also enclosed a copy of the document for date-stamp and return to us via our messenger.

Should you have any questions, please do not hesitate to contact me at the above direct dial number. Thank you for your assistance.

Very truly yours,



Elise M. Schaengold  
Legal Assistant to Brendan Collins

Enclosures

cc: All Parties of Record per Service List



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BEFORE THE  
FEDERAL MARITIME COMMISSION

Docket No. 09-01

MITSUI O.S.K. LINES, LTD.,

COMPLAINANT,

v.

GLOBAL LINK LOGISTICS, INC.; OLYMPUS PARTNERS, L.P.;  
OLYMPUS GROWTH FUND III, L.P.; OLYMPUS EXECUTIVE FUND, L.P.; LOUIS J.  
MISCHIANI; DAVID CARDENAS; KEITH HEFFERNAN;  
CJR WORLD ENTERPRISES, INC.; and CHAD J. ROSENBERG,

RESPONDENTS.

**RESPONDENT GLOBAL LINK LOGISTICS, INC.'S JOINDER IN THE OLYMPUS  
RESPONDENTS' MOTION TO STRIKE**

Global Link Logistics, Inc. ("Global Link") submits its joinder to the Olympus Respondents' Motion to Strike ("Motion"), which was filed with the Commission on May 24, 2013. The Motion is based on the one hundred eighty degree turn in MOL's approach to this case in its May 1, 2013 Reply Brief. As noted in Global Link's Reply Brief In Support of Its Counterclaim Against MOL, "[m]ore than four years after filing a Complaint in which it alleged that Global Link engaged in split routing without its knowledge or consent, MOL now concedes that the entire premise of its Complaint is false and, in fact, senior MOL personnel not only knew about the split routing at issue but were complicit in it from the very beginning." By waiting until its final submission to reveal its true theory of the case, MOL has deprived the Respondents, in particular, the Olympus and Rosenberg Respondents,<sup>1</sup> of their ability to address MOL's actual position. For this reason, Global Link submits that the Presiding Judge should

<sup>1</sup> Global Link was able to submit a response to MOL's new theory in its response to MOL's opposition to its counterclaims.

grant Olympus Respondent's motion to either strike MOL's reliance on the case of *Mitsui O.S.K. Lines, Ltd. v. Seamaster Logistics, Inc.*, Case Nos. 11-cv-02861-SC, 10-cv-05591-SC, 2013 U.S. Dist. LEXIS 40466, 2013 WL 1191213 (N.D. Cal. Mar. 21, 2013 ("*Seamaster*")), or permit the Respondents a full opportunity to respond to MOL's *Seamaster* argument and to demonstrate why the now admitted knowledge of MOL's employees McClintock and Yang about the split routing is attributable to MOL.

Respectfully Submitted,



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Attorneys for Respondent  
*GLOBAL LINK LOGISTICS, INC.*

DATE: June 4, 2013

CERTIFICATE OF SERVICE

I do hereby certify that I have delivered a true and correct copy of the foregoing document to the following addressees at the addresses stated by depositing same in the United States mail, first class postage prepaid, and/or via email transmission, this 4th day of June, 2013:

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