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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMM

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June 14, 2013

VIA HAND DELIVERY

Karen V. Gregory, Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.
Room 1046
Washington, D.C. 20573

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

Dear Ms. Gregory:

Enclosed please find one (1) original and five (5) copies of Olympus Respondents' Response in Opposition to Relief Requested in Complainant's Opposition Dated June 12, 2013, for filing in the above-referenced proceeding.

In accordance with Commission Rule 2(e), 46 C.F.R. § 502.2(e), we will send an electronic PDF copy of the pleading to the Commission after filing.

Kindly date stamp the extra copy of the pleading and return the same to our courier.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'W. Doan', written over the typed name 'Warren L. Doan'.

Warren L. Doan

Enclosures

cc: Service List

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BEFORE THE FEDERAL MARITIME COMMISSION JUN 14 PM 2:39

MITSUI O.S.K. LINES LTD.,

Complainant

v.

GLOBAL LINK LOGISTICS,
INC., et al.,

Respondents.

OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

Docket No. 09 -01

**OLYMPUS RESPONDENTS' RESPONSE IN OPPOSITION TO RELIEF
REQUESTED IN COMPLAINANT'S OPPOSITION DATED JUNE 12, 2013**

Complainant MOL's *Opposition to Olympus Respondents' Statement Confirming the Record of This Proceeding* includes a request that the *Statement* be stricken and that MOL be awarded its fees and costs. MOL's opposition is, to that extent, a new motion. Pursuant to Rule 71 of the Commission's Rules, Respondents Olympus Growth Fund III, L.P. ("OGF"), Olympus Executive Fund, L.P. ("OEF"), Louis J. Mischianti ("Mischianti"), L. David Cardenas ("Cardenas") and Keith Heffernan ("Heffernan") (hereinafter collectively referred to as the "Olympus Respondents") reluctantly have no choice but to respond in opposition.

The Olympus Respondents filed their *Motion to Strike* on May 24, 2013 in response to MOL's statement that the Olympus Respondents had "conceded" that split routing is a violation of Section 10(a)(1) of the Shipping Act. MOL's statement was false. MOL opposed the *Motion to Strike*, arguing that its statements were not false because the Olympus Respondents never "denied" that split routing violated the Shipping Act. That statement also was false. The Olympus Respondents therefore filed their

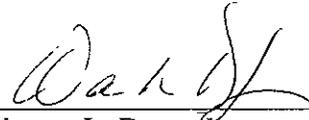
Statement citing with precision instances in the record where the Olympus Respondents clearly denied that split routing violated the Shipping Act. MOL then filed an opposition (really, a new motion) to the Statement asserting that the purpose of the Olympus Respondents' filings was to reargue the merits of the Shipping Act argument. That statement also is false.

MOL compels the Olympus Respondents to file this opposition to MOL's requested relief. The Olympus Respondents' Statement was not intended to "reargue" the position that the Olympus Respondents' have held since the beginning of this proceeding. Rather, the Statement was intended to protect the veracity of the record. If MOL had respected the difference between representation and misrepresentation in this first instance, the Olympus Respondents' most recent pleadings would not have been necessary.

Dated: June 14, 2013

Respectfully submitted,

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Mischianti, David Cardenas and Keith
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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2013, I served the foregoing document on the following individual(s) by electronic mail and regular mail:

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