CC: OS/OGC

ORIGINAL

ALJ(2)

Pub

BEFORE THE FEDERAL MARITIME COMMISSION

NAVEENA EXPORTS, LTD.,

Complainant,

v.

GO-TRANS, INC.,

Respondent.

FMC Docket: 09-03

JOINT MEMORANDUM AND BRIEF IN SUPPORT

HONORABLE CLAY G. GUTHRIDGE PRESIDING

THE RAVJI LAW FIRM
Attorneys for Complainant
5612 Gillum Drive
Plano, Texas 75093
Tel: (214) 995-5667
Fax: (214) 653-1015

Pursuant to Honorable Clay G. Guthridge's, Administrative Law Judge, September 10, 2009, Order (the "Order"), Complainant, Naveena Exports, Ltd. ("Naveena"), by and through its counsel, THE RAVJI LAW FIRM, and Go-Trans, Inc. ("Go-Trans"), by and through its representative Mr. Mohammed (a/k/a/ Mo) Bhatti, file this Joint Memorandum to Approve the Settlement Agreement and Release, and Brief in Support ("Joint Memorandum"), as follows:

I.

PROCEDURAL BACKGROUND

1. On or about May 7, 2009, Naveena filed the above captioned and numbered proceeding against Go-Trans with the Federal Maritime Commission (the "Commission") to recover a claim for damages in the total amount of $342,070.80.

2. On or about June 23, 2009, Naveena filed its Amended Complaint.

3. In order to avoid the cost and delay of proceedings associated with the above captioned proceeding, Naveena, Go-Trans, and Washington International Insurance Company (the "Surety") entered into a mutually acceptable and binding Settlement Agreement and Release. (*See* Settlement Agreement and Release attached to this Joint Memorandum).

II.

BREIF IN SUPPORT OF SETTLEMENT

4. Naveena is a foreign limited partnership organized established under the laws of the State of Pakistan with its principal place of business at NR. 24/1, Sector 23, Korangi Industrial Area, Karachi, Pakistan. Naveena's principal and authorized representative is Mr. Saqib Riaz whose permanent residence is in Karachi, Pakistan.

5. Go-Trans is a corporation organized under the laws of the State of New York with its principal place of business at 147-48 175th Street, Suite 2F, Jamaica, New York 11434. Go-Trans' principal and authorized representative is Mr. Mohammed (a/k/a/ Mo) Bhatti resides in the State of New York.

7. Under the Federal Maritime Commission Law the above captioned and numbered proceeding had to be brought before the Commission in Washington, D.C., and where all hearings and related trial proceedings before this administrative body would have occurred.

8. Realizing the high cost to litigate, including legal fees associated with this proceeding, not to mention the cost of trans-Atlantic travel for Naveena to maintain this proceeding before the Commission in Washington, D.C. and to pay for its counsel's travel and lodging from Dallas, Texas to Washington, D.C., Naveena and Go-Trans agreed that collectively such cost would be astronomical, especially when taking into consideration the currency exchange rate because Naveena would have to pay for its litigation expenses in dollars.

9. Naveena and Go-Trans carefully considered these factors, in conjunction with the relative strengths of their respective positions, and weighed it against the cost of continued litigation, and concluded that the best possible solution for both parties was to reach an amicable but reasonable settlement.

10. Therefore, on August 25, 2009, Naveena, Go-Trans, the Surety, and other related parties, mutually agreed to enter into a binding Settlement Agreement and Release.

III.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing, Complainant Naveena Exports, Ltd. and Respondent Go-Trans, Inc., respectfully requests Honorable Clay G. Guthridge to enter an order GRANTING:

a. The Joint Memorandum to Approve the Settlement Agreement and Release, dated August 25, 2009 between Claimant Naveena Exports, Ltd. and Responodent Go-Trans, Inc.;

b. The Formal Notice of Dismissal filed by Complainant Naveena Exports, Ltd., under Federal Maritime Commission Rule 12 and the Federal Rule of Civil Procedure 41(a)(1)(i)the parties; and

c. Complainant Naveena Exports, Ltd. and Respondent Go-Trans, Inc. such other, proper, and further relief, in accordance with its delegated powers, as it may deem just, proper, and equitable in the circumstances.

Dated: January 14, 2010

Respectfully submitted,

THE RAVJI LAW FIRM

Aamer Ravji
SBN: 00798655
5612 Gillum Drive
Plano, Texas 75093
Tel: (214) 995-5667
Fax: (214) 653-1015
Attorney for Complainant,
Naveena Exports, Ltd

Respondent Go-Trans, Inc.
by and through its representative
Mohammed (a/k/a/ Mo) Bhatti