

FEDERAL MARITIME COMMISSION

YAKOV KOBEL AND VICTOR
BERKOVICH

v.

HAPAG-LLOYD, A.G., HAPAG-
LLOYD AMERICA, INC., LIMCO
LOGISTICS, INC, AND
INTERNATIONAL TLC, INC.

Docket No. 10-06

Served: July 27, 2012

BY THE COMMISSION: Richard A. Lidinsky, Jr., *Chairman*;
Joseph E. Brennan, Rebecca F. Dye, Michael A. Khouri, and Mario
Cordero, *Commissioners*.

ORDER GRANTING REQUEST FOR ORAL ARGUMENT

On July 6, 2010, Yakov Kobel and Victor Berkovich (Complainants) filed a complaint against Hapag-Lloyd A.G. and Hapag-Lloyd America, Inc. (collectively Hapag-Lloyd), Limco Logistics, Inc. (Limco), and International TLC, Inc. (ITLC). A Verified Amended Complaint was filed with the Commission on October 15, 2010. Complainants alleged that Hapag-Lloyd, Limco, and ITLC violated various sections of the Shipping Act, and sought reparations and other relief with respect to the loss of three

containers and the cargoes therein allegedly caused by Respondents' violations of the Shipping Act.

On February 14, 2012, the Administrative Law Judge (ALJ) issued an Initial Decision dismissing all of Complainants' claims against all Respondents with prejudice.

On March 7, 2012, Complainants filed Exceptions to the Initial Decision. In the Exceptions, Complainants requested oral argument to address issues raised in their exceptions. In its Reply to Complainants' Exceptions filed on March 27, 2012, Hapag-Lloyd stated that oral argument would not enhance the Commission's understanding of the limited issues before it and is unnecessary. In their Replies to Complainants' Exceptions, Limco and ITLC did not discuss Complainants' request for oral argument.

This proceeding involves, among other issues, alleged violations of section 10(d)(1) of the Shipping Act (46 U.S.C. § 41102(c)) by Respondents. An opportunity for the Commission to hear directly from the parties in oral argument would assist the Commission.

Therefore, it is hereby **ORDERED** that Complainants' Request for Oral Argument is **GRANTED**. The argument will be limited to the following issue:

Whether Respondents failed to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering Complainants' property, including whether a Respondent may violate section 10(d)(1) if the conduct in question relates to a single shipment or transaction.

Notice is given that the matter is scheduled for oral argument on September 19, 2012 at 10:00 a.m. Complainants will appear first. Complainants will be allotted a total of 30 minutes for

argument, a portion of which may be reserved for rebuttal. Respondents will be allotted a total of 30 minutes for argument. Respondents should agree among themselves as to the division of their time. If Respondents fail to agree as to the division of time, each Respondent will be allotted 10 minutes. The parties shall submit to the Secretary, by August 24, 2012, the name of the person who will argue on that party's behalf and how they wish to allocate their time for argument. This notification shall conform to the service requirements of the Commission's Rules of Practice and Procedure, 46 C.F.R. Part 502, and shall be filed with the Commission at 800 North Capitol Street, NW, Washington, D.C. 20573, and via email at Secretary@fmc.gov.

Complainants may submit, if they so choose, a brief not to exceed 30 pages on or before August 13, 2012. If Complainants submit a brief, each Respondent may submit a Response brief not to exceed 30 pages on or before August 24, 2012. Complainants may thereafter submit a Reply brief, if any, not to exceed 15 pages on or before August 31, 2012.

By the Commission.

Karen V. Gregory
Secretary