

FEDERAL MARITIME COMMISSION

YAKOV KOBEL AND VICTOR
BERKOVICH,

Complainants,

v.

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

Respondents.

Docket No. 10-06

Served: August 19, 2016

BY THE COMMISSION: Mario CORDERO, *Chairman*,
Rebecca F. DYE, Michael A. KHOURI, William P. DOYLE, and
Daniel B. MAFFEI, *Commissioners*.

Order Regarding Filing of Supplemental and Reply Briefs

On November 16, 2015, counsel for Complainants filed a Verified Petition Regarding Attorney's Fees (Petition for Attorney's Fees) requesting attorney fees in the amount of \$187,440, and \$10,454.19 in expenses. The Commission determined to review the Petition for Attorney's Fees after the Commission's decision in this

matter became final under 46 C.F.R. § 502.254(c). Order Denying Petition for Reconsideration at 5 n. 1 (May 5, 2016). The decision became final on July 5, 2016, 60 days after the Commission denied Respondent Limco's June 24, 2015 Petition for Reconsideration and Stay of Enforcement (Petition for Reconsideration). Neither respondent filed a response to the petition.

On March 1, 2016, the Commission amended its Rules of Practice and Procedure governing the award of attorney fees in Shipping Act complaint proceedings in order to implement the statutory amendments made by the Howard Coble Coast Guard and Maritime Transportation Act of 2014, which was enacted on December 18, 2014, Pub. L. No. 113-281, § 402, 128 Stat. 3022 (Dec. 18, 2014) (Coble Act). The Commission also provided guidance on its interpretation of the new attorney fee provision at 46 U.S.C. § 41305(e). 81 Fed. Reg. 10,508.

In light of the amendments in the Coble Act and the Commission's Final Rule, the parties are directed to submit supplemental briefs addressing the effect of § 41305(e), specifically:

- (1) The applicability of the new statute to the case at hand, and whether applying § 41305(e) would result in a retroactive effect; and
- (2) If § 41305(e) does apply, whether the Commission should award the requested attorney fees, and if so, the amount.

THEREFORE, IT IS ORDERED, That Complainants Yakov Kobel and Victor Berkovich file a supplemental brief on the applicability of 46 U.S.C. § 41305(e) to their request for attorney fees no later than September 19, 2016.

Finally, IT IS FURTHER ORDERED, That Respondents Limco Logistics, Inc., and International TLC, Inc. file their response brief no later than October 11, 2016.

By the Commission.

Rachel E. Dickon
Assistant Secretary