

BEFORE THE  
FEDERAL MARITIME COMMISSION

YAKOV KOBEL and VICTOR BERKOVICH

Complainants

v.

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

Respondents

Docket No. 10-06

**INTERNATIONAL TLC, INC REPLY BRIEF TO COMPLAINANTS'  
SUPPLEMENTAL BRIEF REGARDING THE APPLICABILITY OF 46 U.S.C. §41305(e)**

Pursuant to the Commission's Order Regarding Filing of Supplemental and Reply Briefs issued on August 19, 2016, International TLC, Inc. hereby files its reply brief to Complainants' supplemental brief.

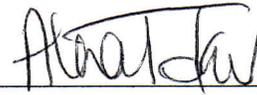
The Commission revised its Rules of Practice and Procedure governing the award of attorney fees on March 1, 2016. The amended provision at 46 U.S.C. §41305(e) states that:

“(e) Attorney Fees. In any action brought under section 41301, the prevailing party may be awarded reasonable attorney fees.”

The new statute applies to the case at hand. The new attorney fees provision was amended on March 1, 2016. The Commission's decision did not become final until July 5, 2016. Because the amended provision was not taken into consideration prior to the final decision, the order granting attorney fees should be reviewed pursuant to the amended provision. For the foregoing reasons, applying the new provision would not result in a retroactive effect.

Based upon the foregoing reasons, the Commission should find that §41305(e) does apply and after reviewing the facts of this case, that Complainants are not entitled to attorney's fees in the case at hand.

Respectfully Submitted,



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Dated: October 8, 2016

CERTIFICATE OF SERVICE

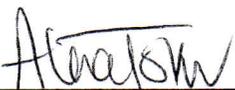
I hereby certify that on October 8, 2016 I served copies of the foregoing document via e-mail and Express Mail on the below parties:

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