

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
CASE NO. 15-1233

INTERNATIONAL TLC, INC.

Petitioner

v.

FEDERAL MARITIME
COMMISSION and UNITED STATES
OF AMERICA,

Respondents.

MOTION FOR LEAVE TO INTERVENE

Pursuant to 28 U.S.C. §2348 and Rule 15(d) of the Federal Rules of Appellate Procedure and D.C. Circuit Rule (15(b), Yakov Kobel and Victor Berkovitch (collectively “Intervenors”) respectfully move for leave to intervene as of right in the above-captioned appeal in support of Respondent Federal Maritime Commission. Petitioner International TLC (hereafter referred to as ITLC) seeks review of a Final Order of the Federal Maritime Commission (FMC) affirming remand of the initial decision, Docket No. 10-06 served on May 26, 2015 (Order).

In the Order, the Commission affirmed the Administrative Law Judge’s Remand Initial Decision by awarding Intervenors (Complainants) reparations for their §10(d)(1) claim (46 U.S.C. §41102(c)). Intervenors actively participated as party complainants in these proceedings below and their interests would be adversely affected if the Order is set aside. Thus, the Intervenors’ interest would be substantially affected by this Court’s review of the Commission’s Order. Intervenors are thus “a party in interest in the proceeding” entitled to intervene “as of right” in this matter. 28 U.S.C. §2348. Intervenors therefore respectfully

request that this Court grant their motion for leave to intervene in support of Respondent, Federal Maritime Commission.

Dated this 17th day of August, 2015.

Respectfully submitted:

/s/ Donald P. Roach

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CERTIFICATE AS TO PARTIES, RULING, AND RELATED CASES

Pursuant to D.C. Circuit Rule 27(a)(4) and D.C. Circuit Rule 28(a)(1)(A)
Yakov Kobel and Victor Berkovitch hereby certify the following:

In Case No. 15-1233, Petitioner is International TLC, Inc. and Respondents are the Federal Maritime Commission (FMC) and the United States of America. Movants, Yakov Kobel and Victor Berkovitch seek to appear in this matter as Intervenors in support of Respondent FMC. No amici have appeared before the court. References to the ruling at issue appear in Petitioner's Petition for Review of Agency Order (Exhibit B) of the petition filed on July 21, 2015. A copy of the Order as it appears in the attachment to the petition (Exhibit B), Document 1563930.

Dated this 17th day of August, 2015.

Respectfully submitted:

/s/ Donald P. Roach
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion for Leave to Intervene has been electronically filed with the clerk of the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. I further certify that I have directed copies of the foregoing motion for leave to intervene be served by electronic service via CM/ECF and U.S. Mail to the other persons or entities on the following service list.

Dated this 17th day of August, 2015.

Respectfully submitted:

/s/ Donald P. Roach
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