



A PROFESSIONAL CORPORATION

THE ARMY AND NAVY CLUB BUILDING SUITE 1100 1627 I STREET, NW WASHINGTON, DC 20006-4007
202.912.4800 800.540.1355 202.912.4830 FAX www.cozen.com

RECEIVED
28 DEC 28 AM 11 57
OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

December 28, 2010

Via Messenger

Ms. Karen V. Gregory
Secretary
Federal Maritime Commission
800 N. Capitol Street, N.W.
Room 1046
Washington, D.C. 20573

Re: Draft Cargoways India (Pvt.) Ltd. V. Damco USA, Inc., Damco A/S and A.P. Moller-Maersk A/S, FMC Docket No. 10-10

Dear Ms. Gregory:

Enclosed herewith for filing are an original and fifteen (15) copies of the Answer of respondents Damco USA, Inc., Damco A/S. and A.P. Moller-Maersk A/S in the above-captioned matter. Please note that while the Certificate of Service attached to the Answer refers to the discovery being served on Complainant by Respondents, that discovery is not enclosed herewith.

A copy of this letter and its enclosures has been provided for your acknowledgement of receipt.

Very truly yours,

COZEN O'CONNOR

A handwritten signature in cursive script, appearing to read "Wayne Rohde".
By: Wayne Rohde

Enclosures

cc: The Honorable Erin M. Wirth (w/enclosure)

ORIGINAL (7C) (ALJCO) Pub

RECEIVED

2011 FEB 28 AM 11:57

BEFORE THE
FEDERAL MARITIME COMMISSION OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

Docket No. 10-10

DRAFT CARGOWAYS INDIA (PVT.) LTD.,

COMPLAINANT

v.

DAMCO USA, INC., DAMCO A/S, A.P. MOLLER-MAERSK A/S, GLENCORE LTD.
AND ALLEGHENY ALLOYS TRADING LP,

RESPONDENTS

ANSWER OF RESPONDENTS DAMCO USA, INC., DAMCO A/S. AND
A.P. MOLLER-MAERSK A/S TO AMENDED COMPLAINT

Respondents Damco USA, Inc., Damco A/S and A.P. Moller-Maersk A/S
("Maersk")(hereinafter sometimes referred to jointly as "Damco Respondents") hereby
answer the Amended Complaint as follows.

PARTIES

- 1. Lack sufficient information or knowledge to admit or deny.
- 2 through 5. Admit.
- 6 and 7. Lack sufficient information to admit or deny.

FACTUAL ALLEGATIONS

8 through 13. Admit, except that references in paragraphs 9 and 10 to
paragraph 6 should be to paragraph 8 and that references in paragraph 13 to
paragraphs 6(a), (b), (e), (f) and (g) should be to paragraphs 6(a), (c) (e), (f), (g) and (h).

14. Deny first, second and fourth sentences. The third sentence requires no
response, as Damco's tariff speaks for itself.

15. Deny that any false representations were made deliberately with intent to mislead. The remainder of the allegations are denied or, to the extent they relate to the August 19, 2010 complaint, require no response as the complaint speaks for itself.

16. Admit that a complaint was filed against Maxam Industries, Inc. on or about August 19, 2010. Deny the remainder of paragraph.

17. Deny.

18. Lack sufficient information to admit or deny.

19. Deny.

20. This paragraph does not require a response, as the documents in question speak for themselves.

21. The first sentence does not require a response, as the documents in question speak for themselves. Admit the last sentence, except deny any filing was the result of any averment by Complainant.

22. Deny.

23. Deny last sentence. The remainder of the paragraph does not require a response, as the documents in question speak for themselves.

24 through 27. These paragraphs do not require a response, as the documents in question speak for themselves.

28 and 29. Deny.

30. This paragraph does not require a response, as the documents in question speak for themselves.

31. Admit.

32. This paragraph requires no response, as the tariff speaks for itself.

33. Admit, except deny that there is a bait and switch scheme, deny that there is confusion, and deny that anything furthers confusion.

34. Deny that there is a bait and switch scheme, deny that there is confusion, and deny that anything furthers confusion. The rest of the paragraph does not require a response, as the tariff speaks for itself.

35. Lack sufficient information to admit or deny.

36. Deny.

37. Admit.

38. This paragraph contains legal argument that does not require a response.

VIOLATIONS

39 to 45. Deny.

46. This paragraph does not require a response from Damco Respondents and, in any event, consists of legal argument.

DAMAGES

45 [sic]. Deny.

AFFIRMATIVE DEFENSES

1. Failure to state a claim upon which relief can be granted.
2. Complainant is estopped from asserting violations of law based on the tariff provisions of Damco A/S because Complainant's tariff is virtually identical to that of Damco A/S in all relevant respects.

PLACE OF HEARING

Damco Respondents respectfully requests that any hearing be held in Washington, D.C.

PRAYER FOR RELIEF

WHEREFORE, Damco Respondents respectfully request that the Federal Maritime Commission deny the relief sought by Complainant.

Respectfully submitted,



Marc J. Fink
Wayne R. Rohde
COZEN O'CONNOR
1627 I Street, N.W.
Suite 1100
Washington, D.C. 20006

Counsel for Respondents Damco USA, Inc., Damco A/S and
A.P. Moller-Maersk A/S

December 28, 2010

Certificate of Service

I hereby certify that I have this 28th day of December, 2010, served a copy of the foregoing Answer of Respondents and Respondents' First Set of Interrogatories and First Requests for Production of Documents by first class mail upon the following:

Carlos Rodriguez, Esq.
Zheng Xie, Esq.
Rodriguez O'Donnell Gonzalez & Williams, P.C.
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036



Wayne R. Rohde