

BEFORE THE FEDERAL MARITIME COMMISSION

ANSWER TO SWORN AMENDED COMPLAINT

Atlantic Shipping Company, Inc. v. Di Nos Shipping, Inc.

Docket No. 11-13

The above-named respondent, for answer to the complaint in this proceeding, states:

1. Paragraph 1 of the Sworn Amended Complaint (“Complaint”) is a statement of law to which no response is necessary. To the extent a response is necessary the Respondent admits that the Federal Maritime Commission (“FMC”) has jurisdiction over the Complaint.
2. Paragraph 2 of the Sworn Amended Complaint (“Complaint”) is a statement of law to which no response is necessary. To the extent a response is necessary, and to the extent that the FMC conducts proceedings in Massachusetts, Respondent admits that venue would be proper in Massachusetts.
3. Respondent is without sufficient information to admit or deny the allegations in Paragraph 3 of the Complaint.
4. Respondent is without sufficient information to admit or deny the allegations in Paragraph 4 of the Complaint.
5. Admitted.
6. Denied.
7. Admitted that the Respondent does not have a license issued by the FMC. Denied as to the remainder of the allegations.
8. Respondent is without sufficient information to admit or deny the allegations in Paragraph 8 of the Complaint.

9. Respondent is without sufficient information to admit or deny the allegations in Paragraph 9 of the Complaint.

10. Admitted that the Respondent had used the form attached to the Complaint as Exhibit B, but discontinued such use upon notice by the Complainant.

11. Denied.

12. Denied.

13. Respondent is without sufficient information to admit or deny the allegations in Paragraph 13 of the Complaint.

14. Admitted.

15. Admitted that the Respondent advertises its services. Denied as to the remainder of the allegations.

16. Denied.

17. Admitted.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief may be granted.

2. The Complainant does not have standing.

3. The Complainant has suffered no damages.

4. The Complaint is moot as to the Respondent's use of the form attached to the Complaint as Exhibit B, as the Respondent no longer uses that form.

5. The Complaint is filed in bad faith.

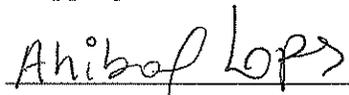
6. The Complaint does not conform to the requirements of 46 C.F.R. § 502.62, including but not limited to subsections, (a), (c), (d), and (e).

Wherefore Respondent prays that the Complaint in this proceeding be dismissed.

Di Nos Shipping, Inc.
by its attorneys,


Richard Bickelman (BBO 042440)
Ian Moss (BBO 658557)
Laura Otenti (BBO 660301)
Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
33rd Floor
Boston, MA 02199
Tel: (617) 973-6116
Fax: (617) 722-4926
rbickelman@pbl.com
imoss@pbl.com
lotenti@pbl.com

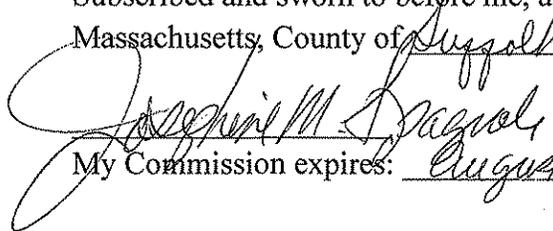
Di Nos Shipping, Inc.

By: 
Anibal Lopes, President
58 Intervale Street
Brockton, MA 02302

Verification

Commonwealth of Massachusetts, County of Suffolk, ss: Anibal Lopes being first duly sworn on oath deposes and says that he is President of Di Nos Shipping, Inc. and is the person who signed the foregoing Answer; that he has read the Answer and that the facts stated therein, upon information received from others, affiant believes to be true.

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Massachusetts, County of Suffolk, this 5th October day of 2011.


My Commission expires: August 2, 2011