

**BEFORE THE
FEDERAL MARITIME COMMISSION**

KAWASAKI KISEN KAISHA LTD.; NIPPON YUSEN KAISHA; UNITED ARAB SHIPPING COMPANY (S.A.G.); and YANG MING MARINE TRANSPORT CORPORATION,)	
Complainants,)	Docket No. 11-12
v.)	
THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY,)	
Respondent.)	

**MOTION OF NIPPON YUSEN KAISHA, UNITED ARAB SHIPPING COMPANY
(S.A.G.), and YANG MING MARINE TRANSPORT CORPORATION TO WITHDRAW**

Complainants Nippon Yusen Kaisha, United Arab Shipping Company (S.A.G.), and Yang Ming Marine Transport Corporation (“Withdrawing Complainants”) hereby move to withdraw from the proceeding.

The Withdrawing Complainants have not changed their views regarding the unlawfulness of the Container Facility Charge at issue in this docket. Nevertheless, Complainants have determined not to proceed with this litigation. The Presiding Officers’ decision to compel boundless irrelevant discovery into Complainants’ confidential and proprietary business arrangements and contracts would subject the Complainants to extraordinary prejudice, cost, burden and risk of disclosure of confidential and sensitive information. The mass disclosure of these irrelevant facts and documents would harm not just Complainants but also their contract counterparty shippers, inland carriers and other parties, who may have protectable nondisclosure interests in their own right. In the meantime, Complainants have not been able to obtain a

decision on either their still-pending partial summary judgment motion, filed January 11, 2012, nor have they been able to secure a ruling on the key legal issue remaining in the case, as to which there are no factual disputes. For these reasons, Nippon Yusen Kaisha, United Arab Shipping Company (S.A.G.), and Yang Ming Marine Transport Corporation move to withdraw from the instant proceeding.

Respectfully submitted,



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Dated: September 20, 2013

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Motion to Withdraw served September 20, 2013, via e-mail and UPS, upon the following:

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