

May 31, 2013

Ms. Karen Gregory

C/O Federal Maritime Commission

800 North Capitol Street N.W.

Washington D.C., 20573-0001

Re: Docket No. 12-10 SBI International V Mr. Howard Finkel C/O COSCO Container Lines Americas

Respondent: Howard Finkel C/O COSCO Container Lines America, Inc., 100 Lighting Wqay, Secaucus N.J.,

07094, (201) 422-8937, howardf@cosco-usa.com

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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

cc: OS
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AMS(p)
Ruh

10(b)(1)-46 USC sec.41104(1):

"A common carrier, either alone or in conjunction with any persons directly or indirectly, may not allow a person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff or service contract by means of false billing, false classification, false weighting, false measurements, or by any other unjust or unfair device means."

Answer-This cargo moved on a FMC filed service contract at the exact rates agreed upon with the shipper when the contract was filed. The shipper claims we provided unjust rates because two different rates were quoted to him for transport from Xingang to Hong Kong, \$800 on July 17, 2012 and \$950 on November 20, 2012. First of all these were just quotes not filed rates and were given 4 months apart. Secondly the \$800 was quoted as an add on to the original freight rate for a change of destination and the \$950 was an independent quote for re-export from Xingang to Hong Kong. SBI's argument regarding the 30 day period is not valid as the quotes were just that quotes not filed rates. (see attached Exhibit 1).

We deny any violation of the shipping act here.

10(b)(3)-46 USC sec.41104(3)

"May not retaliate against a shipper by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized other carriers, or filed a complaint, or for any other reason."

Answer

During the life of the contract, shipper was never refused or denied space. When the contract had ended, we decided we did not want to sign another contract with this shipper for a number of reasons. One was even though the shipper claimed he was always on time with payment, this is a false statement. This shipper did not have credit with us and was supposed to pay the freight upon BL release. As you can see from numerous e-mails, the shipper rarely paid us on time and my accounts receivable department had to constantly contact him for payment. (Exhibit 2, shows sail date and payment time, along with a summary of collection difficulty and e-mails) The shipper is under the incorrect assumption that because we have a clause in the contract that states, we can cancel the contract if shipper is delinquent more than 60 days, that he had 60 days credit. The shipper had no credit and we never cancelled his contract. Our tariff states that payment must be received no later than the time of release of any bill of lading (Exhibit 3). SBI almost never paid within those guidelines.

The other reason we decided to not sign another contract with the shipper was, after constantly chasing them for payment, we did a D & B analysis on them and they came up as a high risk (Exhibit 4).

The claim that we refused to provide space after their cargo finally cleared is not accurate. Please see Exhibit 5 where there are 4 booking notes included. We did book this cargo.

We deny any violation of the shipping act here.

D. Loading and landing of freight

Answer

We loaded and landed the freight in exactly the same way the BL was prepared. The shipper asked us to divert the cargo 2 days before cargo arrived in Shanghai, we put in the request and Chinese Customs rejected the request (Exhibit 6).

We deny any violation of the shipping act here.

E. Adjustment and settlement of claims.

Answer

There was no claim filed, ever. The shipper asked for relief on detention and demurrage which we granted.

We deny any violation of the shipping act here.

10(b)(10)-46 USC sec. 41104 (10): "Unreasonably refuse to deal or negotiate"

I was only brought into this matter when (CADRS), Mr. Jason Guthrie contacted me. I did everything possible to assist SBI settle this matter. I only had one joint conversation with Mr. Penn and Jason Guthrie. Mr. Penn was extremely belligerent on this call and stated that COSCO should pay all detention and demurrage charges as we were the carrier. Mr. Guthrie decided that because of the heated nature of the call, he would talk to Mr. Penn and myself separately. We tried to get information for SBI about the status of his containers but we could get little information until China Customs were finished with their investigation. When the investigation was concluded there was a considerable amount of detention and demurrage accrued and SBI asked us to mitigate it. I asked our Shanghai office if this could be done and at first they did not agree but they eventually agreed to mitigate these charges to \$60,000 through November 2012. This mitigation was made with the understanding that SBI or their agents would have to get a release from China Customs before the cargo could be moved from Xingang to Hong Kong. SBI makes reference to COSCO having to provide a letter in order for them to get a release but this is not how this works, the shipper or their agent has to get their cargo released from

China Customs before we can move the cargo. I even provided our contact in Shanghai to speak to Mr. Penn or his agent to walk them through the procedures but it still took months for SBI to get the release.

Shipper claims we refused to move the cargo to Hong Kong which is untrue as can be seen on exhibit 5. He also claims we did not answer e-mails and phone calls from May 2013 onward, I have not received 1 phone call or e-mail from SBI ever. It is true we decided not to re-sign a contract with SBI but this is only because of their poor payment history and negative D & B report. (E-mails pertaining to this Exhibit 7).

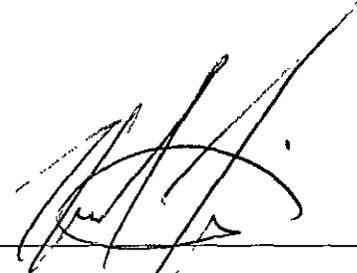
We deny any violation of the shipping act here.

Dated: May 31, 2013

I Howard Finkel, declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted

COSCO Container Lines Americas, Inc.

By: 

Howard Finkel

Executive Vice President

Howard Finkel

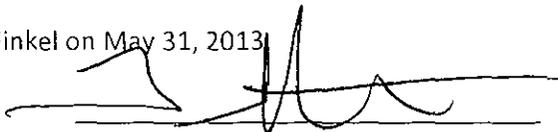
EVP

COSCO Container Lines Americas, Inc.

100 Lighting Way

Secaucus, NJ 07094

Sworn before me by Mr. Howard Finkel on May 31, 2013



James Houghtalin, Esq.

An Attorney- At-Law of the State of New Jersey

Authorized to administer this oath pursuant to N.J.S. A. 41:2-1

EXHIBIT-1-

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Tuesday, May 21, 2013 3:38 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: lihb/Hanbo Liu (US/CAI); ZhuJD/Jiandong Zhu (US/CCLA); JHoughta/James Houghtalin (US/CCLA/OMD); zhangf/Zhang Feng (ATD); JRush/Joan Rush (US/CCLA/OMD); BUtley/Bruce Utley (US/CCLA/TRD); TRomansk/Terry Romanski (US/CCLA/FAD); huyy1/Hu Yuanyuan(GSD); pengchao/Peng Chao(TSD); wangx13/Wang XiuLin(COSFRETJ)
Subject: 答复: SBI ISSUE LONGSTANDING CONTAINERS AT XINGANG
Attachments: 6081359300.pdf; 6081367890.pdf; 6081359310.pdf; 6081359320.pdf

Dear Howard,

Further to the following, please kindly find attached booking details of the 4 containers ex Xingang to Hong Kong, thanks

B.rgds

Li

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 5 月 15 日 10:41
收件人: HFinkel/Howard Finkel (US/CCLA/TRD)
抄送: lihb/Hanbo Liu (US/CAI); ZhuJD/Jiandong Zhu (US/CCLA); JHoughta/James Houghtalin (US/CCLA/OMD); zhangf/Zhang Feng (ATD); JRush/Joan Rush (US/CCLA/OMD); BUtley/Bruce Utley (US/CCLA/TRD); TRomansk/Terry Romanski (US/CCLA/FAD); huyy1/Hu Yuanyuan(GSD); pengchao/Peng Chao(TSD); wangx13/Wang XiuLin(COSFRETJ)
主题: 答复: SBI ISSUE LONGSTANDING CONTAINERS AT XINGANG

Dear Howard Finkel,

Thanks yours.

First of all, the four containers are now under the operation of booking with ETD Xingang next week, jagw, as per Cosfre Xingang y'day and today.

We are not holding this freight up, it is not necessary for us even having such intention, as the freights have been quoted to SBI already and our instruction to Xingang agent is cooperating the releasing asap. For shipment from Xingang to Hong Kong, the quoted freight is enough and thus we don't understand the exact meaning of a 'contract'. Also, as per our agent locally, the problem customer agent with us for booking ex Xingang to Hong Kong is they were asking freight collect at Hong Kong, which obviously could not be accepted by us.

Besides the freight difference in July and Nov and giving the discount of the tariff, USD 800 is an add-on charges quoted for shipment change of destinations and USD 950 is the freight quoted for re-export from Xingang to Hong Kong as per local market that time.

Finally, it is customs not Coscon don't release these cargos and carries have no rights to release cargos if customer/consignee don't give the permit from customs to carriers/carriers' agent.

B.rgds

Li

EMIBIT

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1 June

OFFICE 104414

Payment Ret. #	Payment Method	Check Party	BL Number	Bank In Date	Release Date	Sail Date	Payment Time	Office	Collection	Amount
25046	Check	SBI International, Inc.	8006550469	9-Jul-12	10-Jul-12	5/14/2012	7/9/2012 10:57	UYK		USD 2,886.00
SBI	Auto Bank Trans	SBI International, Inc.	8006550469(*)	11-Dec-12			12/12/2012 10:11	UYK		USD 60,000.00 (3rd party)
25529	Check	SBI International, Inc.	8006548670(*)	5-Oct-12	10-Jul-12	5/28/2012	10/5/2012 11:44	UYK		USD 2,317.00
25510	Check	SBI International, Inc.	8006904292	5-Oct-12	29-Oct-12	9/28/2012	10/5/2012 11:31	UYK		USD 2,467.00
25413	Check	SBI International, Inc.	8006674335	24-Sep-12	8-Oct-12	9/10/2012	9/24/2012 10:57	UYK		USD 2,467.00
25399	Check	SBI International, Inc.	8006671390	24-Sep-12	25-Sep-12	8/24/2012	9/24/2012 10:56	UYK		USD 2,461.00
25418	Check	SBI International, Inc.	8006668022	19-Sep-12	13-Sep-12	6/12/2012	9/19/2012 11:52	UYK		USD 2,461.00
25429	Check	SBI International, Inc.	8006558404	14-Sep-12	16-Jul-12	6/12/2012	9/14/2012 10:57	UYK		USD 500.00
25385	Check	SBI International, Inc.	8006632250	10-Sep-12	7-Sep-12	8/9/2012	9/10/2012 9:48	UYK		USD 2,786.00
25384	Check	SBI International, Inc.	8006651413	4-Sep-12	31-Aug-12	8/2/2012	9/4/2012 10:12	UYK		USD 2,786.00
25214	Check	SBI International, Inc.	8006605301	14-Aug-12	14-Aug-12	7/11/2012	8/13/2012 14:20	UYK		USD 2,786.00
25327	Check	SBI International, Inc.	8006605303	13-Aug-12	10-Aug-12	7/11/2012	8/13/2012 9:53	UYK		USD 2,786.00
25328	Check	SBI International, Inc.	8006605304	13-Aug-12	10-Aug-12	7/11/2012	8/13/2012 9:49	UYK		USD 2,836.00
25219	Check	SBI International, Inc.	8006588212	31-Jul-12	30-Jul-12	7/8/2012	7/31/2012 11:21	UYK		USD 2,786.00
25108	Check	SBI International, Inc.	8006567871	28-Jun-12	6-Jul-12	6/5/2012	6/28/2012 11:01	UYK		USD 2,976.00
25226	Check	SBI International, Inc.	8006567871(*)	17-Jul-12			7/17/2012 11:34	UYK		USD 100.00 (3rd party)
25160	Check	SBI International, Inc.	8006558400	17-Jul-12	18-Jul-12	6/12/2012	7/17/2012 10:55	UYK		USD 2,976.00
25196	Check	SBI International, Inc.	8006564511	17-Jul-12	17-Jul-12	5/28/2012	7/17/2012 10:54	UYK		USD 3,086.00
25126	Check	SBI International, Inc.	8006558404	17-Jul-12	16-Jul-12	6/12/2012	7/17/2012 10:54	UYK		USD 2,786.00
25199	Check	SBI International, Inc.	8006571380	17-Jul-12	23-Jul-12	6/21/2012	7/17/2012 10:53	UYK		USD 2,836.00
25204	Check	SBI International, Inc.	8006558405	17-Jul-12	19-Jul-12	6/12/2012	7/17/2012 10:53	UYK		USD 800.00
25202	Check	SBI International, Inc.	8006526381	12-Jul-12	20-Jun-12	5/9/2012	7/12/2012 10:56	UYK		USD 100.00
25203	Check	SBI International, Inc.	8006558401	9-Jul-12	27-Jul-12	6/5/2012	7/12/2012 10:56	UYK		USD 800.00
25120	Check	SBI International, Inc.	8006550460	9-Jul-12	10-Jul-12	6/12/2012	7/9/2012 10:58	UYK		USD 2,786.00
25038	Check	SBI International, Inc.	8006548670	9-Jul-12	10-Jul-12	5/14/2012	7/9/2012 10:57	UYK		USD 2,886.00
25102	Check	SBI International, Inc.	8006548670	9-Jul-12	10-Jul-12	6/28/2012	7/9/2012 10:56	UYK		USD 2,886.00
25170	Check	SBI International, Inc.	8006558402	9-Jul-12	24-Jul-12	6/12/2012	7/9/2012 10:56	UYK		USD 700.00
25162	Check	SBI International, Inc.	8006558403	6-Jul-12	16-Jul-12	6/12/2012	7/5/2012 15:17	UYK		USD 2,786.00
25117	Check	SBI International, Inc.	8006558402	6-Jul-12	9-Jul-12	6/12/2012	7/5/2012 15:15	UYK		USD 2,886.00
25197	Check	SBI International, Inc.	8006558402	6-Jul-12	9-Jul-12	**	7/5/2012 15:14	UYK		USD 400.00
25127	Check	SBI International, Inc.	8006558405	6-Jul-12	19-Jul-12	6/12/2012	7/5/2012 15:13	UYK		USD 2,786.00
25125	Check	SBI International, Inc.	8006567870	28-Jun-12	26-Jul-12	6/5/2012	6/28/2012 10:54	UYK		USD 2,786.00
25124	Check	SBI International, Inc.	8006575760	28-Jun-12	6-Jul-12	6/5/2012	6/28/2012 10:52	UYK		USD 2,976.00
25069	Check	SBI International, Inc.	8006564510	28-Jun-12	28-Jun-12	5/31/2012	6/28/2012 10:52	UYK		USD 2,786.00
25094	Check	SBI International, Inc.	8006548671	27-Jun-12	27-Jun-12	5/31/2012	6/26/2012 16:53	UYK		USD 2,786.00
25137	Check	SBI International, Inc.	8006564512	26-Jun-12	26-Jun-12	5/31/2012	6/26/2012 11:17	UYK		USD 3,886.00
25027	Check	SBI International, Inc.	8006540830	12-Jun-12	6-Jul-12	5/7/2012	6/12/2012 11:46	UYK		USD 2,786.00
25099	Check	SBI International, Inc.	8006544330	12-Jun-12	11-Jun-12	5/7/2012	6/12/2012 11:46	UYK		USD 50.00
24970	Check	SBI International, Inc.	8006513204	12-Jun-12	18-Jun-12	5/1/2012	6/12/2012 11:46	UYK		USD 2,886.00
24980	Check	SBI International, Inc.	8006544330	12-Jun-12	11-Jun-12	5/7/2012	6/12/2012 10:48	UYK		USD 2,886.00
24933	Check	SBI International, Inc.	8006514322	8-Jun-12	8-Jun-12	5/5/2012	6/8/2012 11:29	UYK		USD 2,786.00

25022	Check	SBI International, Inc.	8006526382	7-Jun-12	7-Jun-12	5/9/2012	6/7/2012 10:52	UYK	USD 2,786.00	
24912	Check	SBI International, Inc.	8006514321	7-Jun-12	7-Jun-12	5/5/2012	6/7/2012 10:51	UYK	USD 2,786.00	
24968	Check	SBI International, Inc.	8006526381	7-Jun-12	20-Jun-12	5/9/2012	6/7/2012 10:51	UYK	USD 2,786.00	
25063	Check	SBI International, Inc.	8006526380	6-Jun-12	4-Jun-12	5/9/2012	6/6/2012 10:16	UYK	USD 1,400.00	
25060	Check	SBI International, Inc.	8006513202	5-Jun-12	1-Jun-12	5/3/2012	6/4/2012 15:52	UYK	USD 637.00	
24942	Check	SBI International, Inc.	8006513200	1-Jun-12	1-Jun-12	5/3/2012	6/1/2012 12:03	UYK	USD 2,786.00	
24946	Check	SBI International, Inc.	8006513205	1-Jun-12	1-Jun-12	5/3/2012	6/1/2012 11:59	UYK	USD 2,786.00	
23091	Check	SBI International, Inc.	8006513202	1-Jun-12	1-Jun-12	5/3/2012	6/1/2012 10:15	UYK	USD 3,286.00	
25030	Check	SBI International, Inc.	8006526380	1-Jun-12	4-Jun-12	5/9/2012	6/1/2012 10:14	UYK	USD 2,786.00	
24944	Check	SBI International, Inc.	8006513201	1-Jun-12	1-Jun-12	5/3/2012	6/1/2012 10:11	UYK	USD 2,786.00	
24971	Check	SBI International, Inc.	8006514323	30-May-12	30-May-12	5/5/2012	5/30/2012 11:45	UYK	USD 2,786.00	
24910	Check	SBI International, Inc.	8006514320	30-May-12	30-May-12	5/5/2012	5/30/2012 11:45	UYK	USD 2,786.00	
24985	Check	SBI International, Inc.	8006513203	30-May-12	30-May-12	5/3/2012	5/29/2012 15:23	UYK	USD 2,786.00	
24915	Check	SBI International, Inc.	8006514324	24-May-12	24-May-12	5/5/2012	5/24/2012 11:54	UYK	USD 2,976.00	
24993	Check	SBI International, Inc.	8006709121	24-May-12	24-May-12	4/18/2012	5/24/2012 9:43	UYK	USD 3,286.00	
25005	Check	SBI International, Inc.	8006708640(*)	21-May-12		4/18/2012	5/21/2012 10:57	UYK	USD 150.00	3 Party
24877	Check	SBI International, Inc.	8006708640	17-May-12	17-May-12	***	5/16/2012 17:20	UYK	USD 2,786.00	
24965	Check	SBI International, Inc.	8006709122	17-May-12	17-May-12	4/18/2012	5/16/2012 17:20	UYK	USD 2,786.00	
24833	Check	SBI International, Inc.	8006475712	25-Apr-12	26-Apr-12	3/28/2012	4/25/2012 12:11	UYK	USD 2,861.00	
24824	Check	SBI International, Inc.	8006475711	25-Apr-12	2-May-12	3/28/2012	4/25/2012 12:10	UYK	USD 2,861.00	
24834	Check	SBI International, Inc.	8006475713	25-Apr-12	25-Apr-12	3/28/2012	4/25/2012 11:25	UYK	USD 2,861.00	
24832	Check	SBI International, Inc.	8006475714	25-Apr-12	25-Apr-12	3/28/2012	4/25/2012 10:55	UYK	USD 2,861.00	
24826	Check	SBI International, Inc.	8006475710	25-Apr-12	25-Apr-12	3/28/2012	4/25/2012 10:53	UYK	USD 2,861.00	
24822	Check	SBI International, Inc.	8006473883	18-Apr-12	17-Apr-12	3/21/2012	4/17/2012 16:43	UYK	USD 2,861.00	
24820	Check	SBI International, Inc.	8006473882	18-Apr-12	17-Apr-12	3/21/2012	4/17/2012 16:42	UYK	USD 2,861.00	
24816	Check	SBI International, Inc.	8006473884	18-Apr-12	17-Apr-12	3/21/2012	4/17/2012 16:42	UYK	USD 2,861.00	
24772	Check	SBI International, Inc.	8006473880	18-Apr-12	17-Apr-12	3/21/2012	4/17/2012 16:41	UYK	USD 2,861.00	
24774	Check	SBI International, Inc.	8006473881	18-Apr-12	17-Apr-12	3/21/2012	4/17/2012 16:38	UYK	USD 2,861.00	
24872	Check	SBI International, Inc.	8006401950	13-Apr-12	13-Apr-12	3/13/2013	4/13/2012 11:42	UYK	USD 2,861.00	
24871	Check	SBI International, Inc.	8006401959	13-Apr-12	13-Apr-12	3/13/2013	4/13/2012 11:41	UYK	USD 2,861.00	
24738	Check	SBI International, Inc.	8006401958	12-Apr-12	13-Apr-12	3/13/2013	4/12/2012 10:52	UYK	USD 2,861.00	
24692	Check	SBI International, Inc.	8006419178	30-Mar-12	30-Mar-12	2/29/2012	3/29/2012 17:02	UYK	USD 2,861.00	
24807	Check	SBI International, Inc.	8006419179	30-Mar-12	30-Mar-12	2/29/2012	3/29/2012 17:01	UYK	USD 2,861.00	
24696	Check	SBI International, Inc.	8006419170	30-Mar-12	30-Mar-12	2/29/2012	3/29/2012 16:59	UYK	USD 2,861.00	
24671	Check	SBI International, Inc.	8006435250	21-Mar-12	21-Mar-12	2/22/2012	3/20/2012 15:27	UYK	USD 2,861.00	
24763	Check	SBI International, Inc.	8006435259	21-Mar-12	21-Mar-12	2/29/2012	3/20/2012 15:27	UYK	USD 2,861.00	
24679	Check	SBI International, Inc.	8006402909	1-Mar-12	1-Mar-12	2/1/2012	2/29/2012 15:29	UYK	USD 2,861.00	
24621	Check	SBI International, Inc.	8006402900	28-Feb-12	1-Mar-12	2/1/2012	2/27/2012 16:19	UYK	USD 2,861.00	
24613	Check	SBI International, Inc.	8006402908	28-Feb-12	29-Feb-12	2/1/2012	2/27/2012 16:19	UYK	USD 2,861.00	
24603	Check	SBI International, Inc.	8006402910	28-Feb-12	28-Feb-12	2/1/2012	2/27/2012 16:18	UYK	USD 2,861.00	
24598	Check	SBI International, Inc.	8006402918	28-Feb-12	2-Mar-12	2/1/2012	2/27/2012 16:18	UYK	USD 2,861.00	
24665	Check	SBI International, Inc.	8006403200	27-Feb-12	22-Feb-12	1/25/2012	2/24/2012 15:16	UYK	USD 50.00	
24561	Check	SBI International, Inc.	8006403190	22-Feb-12	22-Feb-12	1/25/2012	2/22/2012 9:49	UYK	USD 2,861.00	

24577	Check	SBI International, Inc.	8006403200	22-Feb-12	22-Feb-12	1/25/2012	2/22/2012 9:49	UYK	USD 2,861.00
24577	Check	SBI International, Inc.	8006403198	22-Feb-12	22-Feb-12	1/25/2012	2/22/2012 9:48	UYK	USD 2,861.00
24562	Check	SBI International, Inc.	8006387718	17-Feb-12	16-Feb-12	1/19/2012	2/16/2012 15:51	UYK	USD 2,861.00
24595	Check	SBI International, Inc.	8006387729	10-Feb-12	10-Feb-12	1/11/2012	2/9/2012 16:22	UYK	USD 2,861.00
24542	Check	SBI International, Inc.	8006387710	8-Feb-12	7-Feb-12	1/19/2012	2/7/2012 16:33	UYK	USD 50.00
24503	Check	SBI International, Inc.	8006377568	8-Feb-12	9-Feb-12	1/2/2012	2/7/2012 16:32	UYK	USD 2,861.00
24541	Check	SBI International, Inc.	8006377569	8-Feb-12	9-Feb-12	1/2/2012	2/7/2012 16:31	UYK	USD 2,861.00
24499	Check	SBI International, Inc.	8006376660	8-Feb-12	9-Feb-12	1/2/2012	2/7/2012 16:26	UYK	USD 2,861.00
24593	Check	SBI International, Inc.	8006387721	7-Feb-12	3-Feb-12	1/2/2012	2/7/2012 16:26	UYK	USD 2,861.00
24564	Check	SBI International, Inc.	8006387711	7-Feb-12	13-Feb-12	1/19/2012	2/6/2012 15:38	UYK	USD 50.00
24563	Check	SBI International, Inc.	8006324670	7-Feb-12	13-Feb-12	1/19/2012	2/6/2012 15:37	UYK	USD 2,861.00
24533	Check	SBI International, Inc.	8006324678	23-Jan-12	20-Jan-12	12/28/2011	1/23/2012 10:37	UYK	USD 2,861.00
24539	Check	SBI International, Inc.	8006336089	20-Jan-12	19-Jan-12	12/28/2011	1/19/2012 16:52	UYK	USD 2,861.00
24507	Check	SBI International, Inc.	8006336088	20-Jan-12	19-Jan-12	12/28/2011	1/19/2012 16:51	UYK	USD 2,861.00
24506	Check	SBI International, Inc.	8006336080	20-Jan-12	19-Jan-12	12/28/2011	1/19/2012 16:50	UYK	USD 2,861.00
24478	Check	SBI International, Inc.	80063350969	12-Jan-12	11-Jan-12	12/13/2011	1/11/2012 15:25	UYK	USD 2,861.00
24473	Check	SBI International, Inc.	8006339449	3-Jan-12	3-Jan-12	12/28/2011	1/3/2012 11:06	UYK	USD 2,861.00
24475	Check	SBI International, Inc.	8006339448	3-Jan-12	3-Jan-12	12/27/2011	1/3/2012 11:06	UYK	USD 2,861.00
24476	Check	SBI International, Inc.	8006339450	3-Jan-12	3-Jan-12	12/27/2011	1/3/2012 11:05	UYK	USD 2,861.00
24477	Check	SBI International, Inc.	8006339459	3-Jan-12	4-Jan-12	12/27/2011	1/3/2012 11:05	UYK	USD 2,861.00
24423	Check	SBI International, Inc.	8006335250	29-Dec-11	29-Dec-11	12/29/2011	12/29/2011 11:16	UYK	USD 2,861.00
24429	Check	SBI International, Inc.	8006314610	22-Dec-11	21-Dec-11	12/21/2011	12/21/2011 17:02	UYK	USD 2,861.00
24427	Check	SBI International, Inc.	8006314619	22-Dec-11	21-Dec-11	12/21/2011	12/21/2011 17:01	UYK	USD 2,861.00
24426	Check	SBI International, Inc.	8006314628	22-Dec-11	21-Dec-11	12/21/2011	12/21/2011 17:01	UYK	USD 2,861.00
24430	Check	SBI International, Inc.	8006314618	22-Dec-11	21-Dec-11	12/21/2011	12/21/2011 17:00	UYK	USD 2,861.00
24421	Check	SBI International, Inc.	8006335257	22-Dec-11	21-Dec-11	12/21/2011	12/21/2011 17:00	UYK	USD 2,861.00
24422	Check	SBI International, Inc.	8006335256	22-Dec-11	21-Dec-11	12/21/2011	12/21/2011 17:00	UYK	USD 2,861.00
24419	Check	SBI International, Inc.	8006335259	22-Dec-11	21-Dec-11	12/21/2011	12/21/2011 16:59	UYK	USD 2,861.00
24424	Check	SBI International, Inc.	8006314629	16-Dec-11	16-Dec-11	12/15/2011	12/15/2011 16:13	UYK	USD 2,861.00
24425	Check	SBI International, Inc.	8006314620	16-Dec-11	16-Dec-11	12/15/2011	12/15/2011 16:12	UYK	USD 2,861.00
24428	Check	SBI International, Inc.	8005397090	16-Dec-11	15-Dec-11	12/15/2011	12/15/2011 16:12	UYK	USD 2,861.00
24366	Check	SBI International, Inc.	8005475190	8-Dec-11	7-Dec-11	12/8/2011	12/8/2011 10:36	UYK	USD 2,856.00
24364	Check	SBI International, Inc.	8005387419	8-Dec-11	7-Dec-11	12/8/2011	12/8/2011 10:35	UYK	USD 2,856.00
24372	Check	SBI International, Inc.	8005475199	8-Dec-11	7-Dec-11	12/8/2011	12/8/2011 10:34	UYK	USD 2,861.00
24374	Check	SBI International, Inc.	8005397099	8-Dec-11	7-Dec-11	12/8/2011	12/8/2011 10:34	UYK	USD 2,861.00
24385	Check	SBI International, Inc.	8006311790	7-Dec-11	7-Dec-11	12/6/2011	12/6/2011 16:14	UYK	USD 5,673.50
24288	Check	SBI International, Inc.	8005387410	5-Dec-11	2-Dec-11	12/5/2011	12/5/2011 11:19	UYK	USD 2,861.00

24290	Check	SBI International, Inc.	8005466090	30-Nov-11	25-Nov-11	11/29/2011 15:13	UYK	USD 2,861.00
24291	Check	SBI International, Inc.	8005466099	30-Nov-11	25-Nov-11	11/29/2011 15:08	UYK	USD 2,861.00
24248	Check	SBI International, Inc.	8005466109	17-Nov-11	16-Nov-11	11/16/2011 15:25	UYK	USD 2,861.00
24322	Check	SBI International, Inc.	8005466108	16-Nov-11	5-Dec-12	11/15/2011 15:53	UYK	USD 50.00
24257	Check	SBI International, Inc.	8005466100	10-Nov-11	9-Nov-11	11/10/2011 11:24	UYK	USD 2,861.00

SBI International Inc & Case Farms

SBI International was a non-credit account which required a lot of effort for collections from the beginning.

- Our first email correspondence was Nov 2, 2011 going to the FF CRJ Logistics to inquire payment details on export ocean freight bills.
- After two follow ups with the FF, CRJ provided us with SBI's payment ctc, Guiliana Galvarado on Nov 8, 2011.
- Invoice copies were provided to Guiliana on Nov 17th (exposure \$28,551.50)
- Another statement was provided on Nov 22nd with invoice copies which was followed up on Nov 28th due to no response (exposure \$34,273.50). Response from Guiliana that 2 checks would be received the next morning.
- Email sent on Dec 5, 2011 (exposure \$60,022.50). Noted in email that arrival of containers overseas was fast approaching. Dec 6th a response was made by SBI payment going out Fed Ex for \$14,295.00. Did not cover all the older items.
- Email sent on Dec 13, 2011 (exposure \$42,915.00) requesting payment remaining Nov shipments total of \$25,749.00. On Dec 21st we received payment for 7 bills out of 9. Payment received was \$20,027.00.
- Email sent on Dec 22nd, one of the oldest items b/l 8005397098, dated Nov 16, 2011, was not paid with an ETA of Dec 17th at HKG. Was told by Guiliana at SBI, the customer pays collect in HKG that SBI doesn't prepay on their loads. She then confirmed the charges should be collect. Information was then forward to doc department to change to collect.

Discussion began internally at Cosco with Mr Xu, Terry Romanski, Tim Marsh, and other personnel.

On Feb 3, 2012, (exposure \$31,571.00 as of Feb 1st) email was sent to Jaime Young discussing payments being delayed until cargo reaches destination. Shipper was considered high risk based on D&B ratings and Telex Releases would no longer be issued upon receipt of company checks.

- Email response from Jaime on Feb 6, 2012. Stated that he spoke with Mitch at SBI and checks were sent for several bills. Jaime advised him wire transfer option for prompt releases. It was also suggested by Mr. Xu that Cosco limit their bookings.
- Received \$5,772.00 on Feb 6, 2012. 4 additional checks received on Feb 7th. (Exposure \$28,610.00)

Chicago office involved. Emails from Tia stating their contact is changing bills to collect and that they are changing freight forwarders.

- Since February, multiple emails for collections on bills. Customer paying very close to overseas arrival dates. Customer is only paying for items that need destination telex releases. From Feb to end of May average exposure was \$30k.
- Bills are being paid however SBI is not requesting releases. Amendments are being made. Bills are starting to be paid short towards the beginning of July.
- Per Lou's email to Bruce Utley on June 27, 2012, SBI payments have started slowing down.
- Payments being received close to the Destination arrival date.

July 16th email from Carol Westerhoff, customer paid for 5 shipments they only want 3 telex released.

- Email from Lou to Jaime, SBI complaining that the timeliness of their telex releases and asking who acctg is contacting. Payments have been slowing down. Payments being received a day or two prior to DESTINATION ARRIVAL.
- It is suggested that all telex release request are in writing to protect ourselves especially if bills show paid or if we confirmed payment received.
- Carol Westerhoff emails account and suggests for timely telex releases payment should be received a couple of days before vessels arrival at the discharge port, otherwise you will find delays.

Several telex release requests from Tony @ CRJ Logistics on Aug 9, 2012.

- The Destination arrival dates on the bills are Aug 12th and Aug 13th. Payment received in CHS on Aug 10th. Bills are 30 days old.

Collection efforts continued in Aug 28th through Oct 2012 (exposure Aug 28th was \$38,369.00)

- On Aug 31st Giuliana stated a couple of payments were sent but was not able to send more because owner is out until the next week.
- Payment that was received was paying for bills that were very close to their destination arrival.
- Follow ups were made on the remaining balances.
- By Sept 14th exposure was \$26,402.00.
- By the beginning of Oct exposure was \$5,124.00.

Internal emails about 4 boxes sitting in XNG for 3 months.

- Sale does not renew their contract.
- Last 8-10 bookings were canceled.
- Last agreement with SBI expired Sept 30th.
- Demurrage mitigation applied thru Joan with ATD.

KVocatur/Karen Vocaturo (US/CCLA/FAD)

From: CWesterh/Carol Westerhoff (US/CCLA/CHI)
Sent: Monday, July 16, 2012 3:19 PM
To: LPalazzo/Lou Palazzo US/CCLA/FAD); JYoung/Jaime Young (US/CCLA/TRD); BUtley/Bruce Utley (US/CCLA/TRD)
Cc: TSharaf/Tia Strawbridge (US/CCLA/CHI); KVocatur/Karen Vocaturo (US/CCLA/FAD); TRomansk/Terry Romanski (US/CCLA/FAD); ENordste/Eric Nordstedt (US/CCLA/NYC); Tmarsh/Timothy E Marsh (US/CCLA/TRD); DLajoie/Debra LaJoie (US/CCLA/CHI)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Yes we have been.

Tks and Bregds,
Carol Westerhoff
Manager, Export Allocations/Documentation
CCLA Chicago Service Center
Ph; 630-541-4827

From: LPalazzo/Lou Palazzo US/CCLA/FAD)
Sent: Monday, July 16, 2012 2:12 PM
To: CWesterh/Carol Westerhoff (US/CCLA/CHI); JYoung/Jaime Young (US/CCLA/TRD); BUtley/Bruce Utley (US/CCLA/TRD)
Cc: TSharaf/Tia Strawbridge (US/CCLA/CHI); KVocatur/Karen Vocaturo (US/CCLA/FAD); TRomansk/Terry Romanski (US/CCLA/FAD); ENordste/Eric Nordstedt (US/CCLA/NYC); Tmarsh/Timothy E Marsh (US/CCLA/TRD); DLajoie/Debra LaJoie (US/CCLA/CHI)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Pls insure we get all telex release requests in writing frm this acct to protect ourselves especially if it shows paid or we confirm pymnt rcvd – we cannot take anything for granted w/them.

Regards,
Lou Palazzo

From: CWesterh/Carol Westerhoff (US/CCLA/CHI)
Sent: Monday, July 16, 2012 3:09 PM
To: LPalazzo/Lou Palazzo US/CCLA/FAD); JYoung/Jaime Young (US/CCLA/TRD); BUtley/Bruce Utley (US/CCLA/TRD)
Cc: TSharaf/Tia Strawbridge (US/CCLA/CHI); KVocatur/Karen Vocaturo (US/CCLA/FAD); TRomansk/Terry Romanski (US/CCLA/FAD); ENordste/Eric Nordstedt (US/CCLA/NYC); Tmarsh/Timothy E Marsh (US/CCLA/TRD); DLajoie/Debra LaJoie (US/CCLA/CHI)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Good email Lou.. and you are very right. they are one of the more “higher maintenance” customers, as at they will pay and then put on hold.. seemingly the trend w/accounts now!

Tks and Bregds,
Carol Westerhoff
Manager, Export Allocations/Documentation
CCLA Chicago Service Center
Ph; 630-541-4827

From: LPalazzo/Lou Palazzo US/CCLA/FAD)
Sent: Monday, July 16, 2012 2:07 PM
To: JYoung/Jaime Young (US/CCLA/TRD); BUTley/Bruce Utlely (US/CCLA/TRD)
Cc: TSharaf/Tia Strawbridge (US/CCLA/CHI); CWesterh/Carol Westerhoff (US/CCLA/CHI); KVocatur/Karen Vocaturo (US/CCLA/FAD); TRomansk/Terry Romanski (US/CCLA/FAD); ENordste/Eric Nordstedt (US/CCLA/NYC); Tmarsh/Timothy E Marsh (US/CCLA/TRD)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Below email very troubling as acct now is complaining to us re the timeliness of their telex releases and asking who the acctg contact is? We send them weekly statements, many times multiple statements a week and inquire as to pymnt details with little to any reply if they don't know who the acctg ctc is we are in big trouble.

Today after we post chks rcvd frm TODAY we will send out new statement. As far as timeliness of telex releases considering this accts slow pymnt habits we technically s/b holding up any telex releases until their checks clear the bank but we hv not at this point for commercial considerations therefore if they wish to imply our telex releases are not being done in suitable fashion then they must know that pymnts for any cargo they want rlsd must be rcvd by us 5-7 biz days before cargo arrives POD or telex release is needed.

Everyone at CCLA makes extra efforts to ntfy, follow up and remind acct to pay o/s items. Pymnts are sent to the IB cashiers therefore upon receipt telex releases or issued.

On b/l 8006558403 pymnts was rcvd 7/5 at which point we ntfyd all involved....galvarado sent msg at same time (2nd attachment) advising those shipments of which 8006558403 was one of not to be rlsd which we passed on accordingly. On 7/16 CHI rlsd I assume off of their written authorization since it was originally asked NOT to be rlsd.

Pls discuss with your ctc's at SBI.

They will receive updt'd statement shortly

Regards,
Lou Palazzo
COSCO Container Lines Americas Inc.
National Assistant A/R Manager
email: lpalazzo@cosco-usa.com
http://www.cosco-usa.com

From: KVocatur/Karen Vocaturo (US/CCLA/FAD)
Sent: Monday, July 16, 2012 2:35 PM
To: CWesterh/Carol Westerhoff (US/CCLA/CHI); 'galvarado@sbiinternational.net'
Cc: TSharaf/Tia Strawbridge (US/CCLA/CHI); LPalazzo/Lou Palazzo US/CCLA/FAD)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Adding Lou Palazzo.

Karen Vocaturo
COSCO Container Lines Americas Inc



From: CWesterh/Carol Westerhoff (US/CCLA/CHI)
Sent: Monday, July 16, 2012 2:26 PM

To: galvarado@sbiinternational.net
Cc: TSharaf/Tia Strawbridge (US/CCLA/CHI); KVocatur/Karen Vocaturo (US/CCLA/FAD)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Tia or Karen.. can copied them in on this.

Tks and Bregds,
Carol Westerhoff
Manager, Export Allocations/Documentation
CCLA Chicago Service Center
Ph; 630-541-4827

From: galvarado@sbiinternational.net [mailto:galvarado@sbiinternational.net]
Sent: Monday, July 16, 2012 1:26 PM
To: CWesterh/Carol Westerhoff (US/CCLA/CHI)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Whos the contact at accounting please?

-----Original Message-----

From: "CWesterh/Carol Westerhoff (US/CCLA/CHI)" <CWesterhoff@COSCO-USA.COM>
Sent: Monday, July 16, 2012 2:23pm
To: galvarado@sbiinternational.net
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Not sure. you would have to ask actg.

Tks and Bregds,
Carol Westerhoff
Manager, Export Allocations/Documentation
CCLA Chicago Service Center
Ph; 630-541-4827

From: galvarado@sbiinternational.net [mailto:galvarado@sbiinternational.net]
Sent: Monday, July 16, 2012 1:23 PM
To: CWesterh/Carol Westerhoff (US/CCLA/CHI)
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Carol,
How come it took so long to issue the release when this was paid last month?>
Please advise

regards,
Giuliana

-----Original Message-----

From: "CWesterh/Carol Westerhoff (US/CCLA/CHI)" <CWesterhoff@COSCO-USA.COM>
Sent: Monday, July 16, 2012 2:16pm
To: tony@crjlogistics.net
Cc: "pallen/Paul Allen (US/CCLA/CHI)" <pallen@COSCO-USA.COM>, "TSharaf/Tia Strawbridge (US/CCLA/CHI)" <tstrawbridge@cosco-usa.com>, galvarado@sbiinternational.net, "DLajoie/Debra LaJoie (US/CCLA/CHI)" <DLajoie@COSCO-USA.COM>
Subject: RE: COSU 8006558403 CBHU2990814 RELEASE AT DESTINATION SUPER UREGNET RELEASE 5322-02

Exhibit 3

Tariff : 203 - ASU(WB) USA To Asia/Indian Sub-Continent/Australia/New Zealand/Canada

Rule Number : 007

Rule Title : PAYMENT OF FREIGHT CHARGES

Effective From : April 1, 2012

Effective End :

Amendment Type : I

Status : Filed

File Date : February 17, 2012

Rule Context : A. Full freight and charges shall be considered completely earned upon receipt of the goods by Carrier, and shipper and/or consignee and/or owners of the cargo and/or holders of Bills of Lading, jointly and severally, are to remain responsible for payment of freight and charges ship and/or cargo lost or not lost, voyage broken up or abandoned, and under any other circumstances whatsoever.

B. CURRENCY

Rates and charges are quoted in U.S. Currency and have been determined with due consideration to the relationship of U.S. currency to other currencies involved. In the event of any change in this relationship, carrier's reserve the right, upon publication in conformity with the provisions of the U.S. Shipping Act of 1984, as amended, to adjust the rates and charges as required.

C. PAYMENT IN U.S. DOLLARS

Except as otherwise provided, freight and charges shall be prepaid in the United States in United States dollars.

D. METHODS OF PAYMENT

Payments for freight or charges due the carrier must be payable in legal tender or, at carrier's option, by check or bank draft acceptable by carrier's bank for immediate credit without charges.

Carrier reserves the right to charge \$20.00 administrative fee for each returned check or bank draft.

E. PREPAYMENT OF FREIGHT.

Whether or not charges are on a prepaid or collect basis, for shipments of used or scrap tires, Carrier, at its discretion, may ask payment of freight charges at time of freight booking, or before Carrier undertakes

carriage of cargo.

F. PREPAID FREIGHT

1. When freight monies and charges are prepaid, such payment shall be made not later than the time of release of any original Ocean Bill of Lading by the carrier to the shipper or his duly authorized licensed Freight Forwarder or Agent acting in his behalf.
2. Freight on Temperature Controlled Cargo, Perishable Cargo, must be prepaid.

Exceptions: A) Temperature Controlled Cargo to Israel will be accepted on prepaid or collect basis.

3. Reserved.
4. Currency Conversion (Rate of Exchange): The prepaid freight monies and charges must be paid in full in U.S. Dollars, or at the option of the carrier paid in the currency acceptable to the carrier provided that such currency shall be unblocked, freely convertible and freely remittable free of tax into U.S. Dollars.

In case payment is effected in other than U.S. Currency, conversion shall be computed on the basis of the rate of exchange as provided by the Federal Reserve Bank of New York as posted in www.x-rates.com, or comparable foreign publication at the highest official US dollar selling rate of exchange.

Rate of exchange as so determined apply with respect to the date: 5 working days before the vessel departs the port of loading shown on Bill of Lading.

In the case of non-publication, for whatever reason, the rate of exchange shall be as published on the next available working day.

G. FREIGHT COLLECT

1. All freight and charges which are billed on a freight collect basis must be paid in full in U.S. Dollars, or at the option of the carrier paid in the currency

Exhibit 4

Printed By: Terry Romanski
 Date Printed: May 16, 2013

Live Report : SBI INTERNATIONAL, INC

D-U-N-S® Number: 84-815-4964

Endorsement/Billing Reference: tromanski@cosco-usa.com

D&B Address

Address 8401 Lake Worth Rd
 Lake Worth, FL - 33467

Phone 561 839-1890

Fax

Location Type Single Location

Web

Added to Portfolio: 01/30/2012

Last View Date: 07/06/2012

Endorsement : tromanski@cosco-usa.com

Company Summary

Currency: Shown in USD unless otherwise indicated 

Score Bar

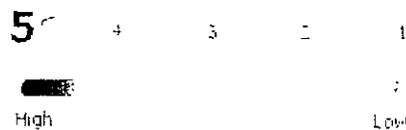
Credit Limit - D&B Conservative	-
Financial Stress Score Class	4
Commercial Credit Score Class	5
PAYDEX®	55
D&B Rating	1R4

D&B Company Overview

This is a single location

Chief Executive	RONALD S PENN, PRES
Year Started	2009
Employees	10
SIC	2038
Line of business	Mfg frozen specialties
NAICS	311412
History Status	CLEAR

Commercial Credit Score Class



PAYDEX® Trend Chart

Public Filings

The following data includes both open and closed filings found in D&B's database on this company.

Record Type	Number of Records	Most Recent Filing Date
Bankruptcies	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCCs	0	-

The public record items contained herein may have been paid, terminated, vacated or released prior to today's date.

Detailed Trade Risk Insight™

Days Beyond Terms Past 3 Months

There is not sufficient reporting trading activity to generate 3 months Days Beyond Terms (a minimum of 3 trade experiences from at least 2 suppliers)

Recent Derogatory Events

Dec-12 Nov-12 Mar-13

Placed in Collection	-	-	-
Bad Debt Written Off	-	-	-

Total Amount Current & Past Due - 8 Month Trend

Exhibit 5

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Tuesday, May 21, 2013 3:38 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: lihb/Hanbo Liu (US/CAI); ZhuJD/Jiandong Zhu (US/CCLA); JHoughta/James Houghtalin (US/CCLA/OMD); zhangf/Zhang Feng (ATD); JRush/Joan Rush (US/CCLA/OMD); BUtley/Bruce Utley (US/CCLA/TRD); TRomansk/Terry Romanski (US/CCLA/FAD); huyy1/Hu Yuanyuan(GSD); pengchao/Peng Chao(TSD); wangx13/Wang XiuLin(COSFRETJ)
Subject: 答复: SBI ISSUE LONGSTANDING CONTAINERS AT XINGANG
Attachments: 6081359300.pdf; 6081367890.pdf; 6081359310.pdf; 6081359320.pdf

Dear Howard,

Further to the following, please kindly find attached booking details of the 4 containers ex Xingang to Hong Kong, thanks

B rgds

Li

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 5 月 15 日 10:41
收件人: HFinkel/Howard Finkel (US/CCLA/TRD)
抄送: lihb/Hanbo Liu (US/CAI); ZhuJD/Jiandong Zhu (US/CCLA); JHoughta/James Houghtalin (US/CCLA/OMD); zhangf/Zhang Feng (ATD); JRush/Joan Rush (US/CCLA/OMD); BUtley/Bruce Utley (US/CCLA/TRD); TRomansk/Terry Romanski (US/CCLA/FAD); huyy1/Hu Yuanyuan(GSD); pengchao/Peng Chao(TSD); wangx13/Wang XiuLin(COSFRETJ)
主题: 答复: SBI ISSUE LONGSTANDING CONTAINERS AT XINGANG

Dear Howard Finkel,

Thanks yours.

First of all, the four containers are now under the operation of booking with ETD Xingang next week, iagw, as per Cosfre Xingang y'day and today

We are not holding this freight up, it is not necessary for us even having such intention, as the freights have been quoted to SBI already and our instruction to Xingang agent is cooperating the releasing asap. For shipment from Xingang to Hong Kong, the quoted freight is enough and thus we don't understand the exact meaning of a 'contract'. Also, as per our agent locally, the problem customer agent with us for booking ex Xingang to Hong Kong is they were asking freight collect at Hong Kong, which obviously could not be accepted by us.

Besides the freight difference in July and Nov and giving the discount of the tariff, USD 800 is an add-on charges quoted for shipment change of destinations and USD 950 is the freight quoted for re-export from Xingang to Hong Kong as per local market that time

Finally, it is customs not Coscon don't release these cargos and carriers have no rights to release cargos if customer/consignee don't give the permit from customs to carriers/carriers' agent.

B rgds

Li

COSCO

BOOKING ACKNOWLEDGEMENT

TO: BOOKING PARTY : COSFRE TIANJIN TEDA BRANCH OFFICE
FORWARDER : TIANJIN HUITONG LOGISTICS COMPANY LIMITED
CONTACT PERSON :
SHIPPER : TIANJIN TONGDA SHENGYUN FREIGHT FORWARDER COMPANY LI
CONTACT PERSON :
BOOKING NUMBER : COSU6081359300

INTENDED VESSEL/VOYAGE : YA HE 268S
INTERNAL REFERENCE : CIY 268 S
PLACE OF RECEIPT : Xingang, Tianjin, China
PORT OF LOADING : Xingang ETD : 24 MAY 2013
PORT OF DISCHARGE : Hong Kong ETA : 02 JUN 2013
FINAL DESTINATION : Hong Kong, Hong Kong

DESPATCH QUANTITY
FCL QTY EMPTY SIZE/TYPE
1 0 40RQ

COMMODITY : frozen chicken paws
CARGO NATURE : REEFER CARGO
SPECIAL CARGO INFORMATION
CARGO DESCRIPTION : frozen chicken paws

TEMPERATURE RANGE : -18.00 TO -18.00 DEGREE C
PRE-TREATMENT : N GENERATOR SET REQUIRED : N
VENTILATION : 0 Cubic Meter per Hour (CMH)

DESPATCH INFORMATION

SEQ	SIZE/TYPE	QTY	C/M	STUFFING DATE	TIME	EMPTY RELEASE DATE	TIME
1	40RQ	1	0				

CARRIER NAME :
RETURN TERMINAL : Tianjin Port Container Terminal Co
CUTOFF DATE/TIME : 05/24/2013 08:00
ADDRESS 1 ADDRESS 2

REMARKS :

- END -

如需提取空箱，请凭此单到以下地址换单
换单地址：
天津中远国际货运有限公司箱管部
天津市塘沽开发区欣园南街4号中货办公大厦5楼
邮编：300457
电话：25299905, 25299899
25299897, 25299895

请核对传真资料是否正确，如有错漏请致电：24205423
装载货物请勿超出箱体标注重量，否则责任自负
自提取空箱当日起，7天（日历天）的免费用箱天

COSCO

BOOKING ACKNOWLEDGEMENT

TO: BOOKING PARTY : COSFRE TIANJIN TEDA BRANCH OFFICE
FORWARDER : TIANJIN HUITONG LOGISTICS COMPANY LIMITED
CONTACT PERSON :
SHIPPER : TIANJIN TONGDA SHENGYUN FREIGHT FORWARDER COMPANY LI
CONTACT PERSON :
BOOKING NUMBER : COSU6081367890

INTENDED VESSEL/VOYAGE : YA HE 268S
INTERNAL REFERENCE : CIY 268 S
PLACE OF RECEIPT : Xingang, Tianjin, China
PORT OF LOADING : Xingang ETD : 24 MAY 2013
PORT OF DISCHARGE : Hong Kong ETA : 02 JUN 2013
FINAL DESTINATION : Hong Kong, Hong Kong

DESPATCH QUANTITY
FCL QTY EMPTY SIZE/TYPE
1 0 40RQ

COMMODITY : frozen chicken wing tips
CARGO NATURE : REEFER CARGO
SPECIAL CARGO INFORMATION
CARGO DESCRIPTION : frozen chicken wing tips

TEMPERATURE RANGE : -18.00 TO -18.00 DEGREE C
PRE-TREATMENT : N GENERATOR SET REQUIRED : N
VENTILATION : 0 Cubic Meter per Hour (CMH)

DESPATCH INFORMATION
SEQ SIZE/TYPE QTY C/M STUFFING EMPTY RELEASE
DATE TIME DATE TIME

1 40RQ 1 0

CARRIER NAME :
RETURN TERMINAL : Tianjin Port Container Terminal Co
CUTOFF DATE/TIME : 05/24/2013 08:00
ADDRESS 1 ADDRESS 2

REMARKS :

- END -

如需提取空箱，请凭此单到以下地址换单
换单地址：
天津中远国际货运有限公司箱管部
天津市塘沽开发区欣园南街4号中货办公大厦5楼
邮编：300457
电话：25299905, 25299899
25299897, 25299895

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装载货物请勿超出箱体标注重量，否则责任自负
自提取空箱当日起，7天（日历天）的免费用箱天

COSCO

BOOKING ACKNOWLEDGEMENT

TO: BOOKING PARTY : COSFRE TIANJIN TEDA BRANCH OFFICE
FORWARDER : TIANJIN HUITONG LOGISTICS COMPANY LIMITED
CONTACT PERSON :
SHIPPER : TIANJIN TONGDA SHENGYUN FREIGHT FORWARDER COMPANY LI
CONTACT PERSON :
BOOKING NUMBER : COSU6081359310

INTENDED VESSEL/VOYAGE : YA HE 268S
INTERNAL REFERENCE : CIY 268 S
PLACE OF RECEIPT : Xingang, Tianjin, China
PORT OF LOADING : Xingang ETD : 24 MAY 2013
PORT OF DISCHARGE : Hong Kong ETA : 02 JUN 2013
FINAL DESTINATION : Hong Kong, Hong Kong

DESPATCH QUANTITY
FCL QTY EMPTY SIZE/TYPE
1 0 40RQ

COMMODITY : frozen chicken paws
CARGO NATURE : REEFER CARGO
SPECIAL CARGO INFORMATION
CARGO DESCRIPTION : frozen chicken paws

TEMPERATURE RANGE : -18.00 TO -18.00 DEGREE C
PRE-TREATMENT : N GENERATOR SET REQUIRED : N
VENTILATION : 0 Cubic Meter per Hour (CMH)

DESPATCH INFORMATION

SEQ	SIZE/TYPE	QTY	C/M	STUFFING DATE	TIME	EMPTY RELEASE DATE	TIME
1	40RQ	1	0				

CARRIER NAME :
RETURN TERMINAL : Tianjin Port Container Terminal Co
CUTOFF DATE/TIME : 05/24/2013 08:00
ADDRESS 1 ADDRESS 2

REMARKS :

- END -

如需提取空箱，请凭此单到以下地址换单
换单地址：
天津中远国际货运有限公司箱管部
天津市塘沽开发区欣园南街4号中货办公大厦5楼
邮编：300457
电话：25299905, 25299899
25299897, 25299895

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装载货物请勿超出箱体标注重量，否则责任自负
自提取空箱当日起，7天（日历天）的免费用箱天

COSCO

BOOKING ACKNOWLEDGEMENT

TO: BOOKING PARTY : COSFRE TIANJIN TEDA BRANCH OFFICE
FORWARDER : TIANJIN HUITONG LOGISTICS COMPANY LIMITED
CONTACT PERSON :
SHIPPER : TIANJIN TONGDA SHENGYUN FREIGHT FORWARDER COMPANY LI
CONTACT PERSON :
BOOKING NUMBER : COSU6081359320

INTENDED VESSEL/VOYAGE : YA HE 268S
INTERNAL REFERENCE : CIY 268 S
PLACE OF RECEIPT : Xingang, Tianjin, China
PORT OF LOADING : Xingang ETD : 24 MAY 2013
PORT OF DISCHARGE : Hong Kong ETA : 02 JUN 2013
FINAL DESTINATION : Hong Kong, Hong Kong

DESPATCH QUANTITY
FCL QTY EMPTY SIZE/TYPE
1 0 40RQ

COMMODITY : frozen chicken paws
CARGO NATURE : REEFER CARGO
SPECIAL CARGO INFORMATION
CARGO DESCRIPTION : frozen chicken paws

TEMPERATURE RANGE : -18.00 TO -18.00 DEGREE C
PRE-TREATMENT : N GENERATOR SET REQUIRED : N
VENTILATION : 0 Cubic Meter per Hour (CMH)

DESPATCH INFORMATION
SEQ SIZE/TYPE QTY C/M STUFFING EMPTY RELEASE
DATE TIME DATE TIME

1 40RQ 1 0

CARRIER NAME :
RETURN TERMINAL : Tianjin Port Container Terminal Co
CUTOFF DATE/TIME : 05/24/2013 08:00
ADDRESS 1 ADDRESS 2

REMARKS :

- END -

如需提取空箱, 请凭此单到以下地址换单
换单地址:
天津中远国际货运有限公司箱管部
天津市塘沽开发区欣园南街4号中货办公大厦5楼
邮编: 300457
电话: 25299905, 25299899
25299897, 25299895

请核对传真资料是否正确, 如有错漏请致电: 24205423
装载货物请勿超出箱体标注重量, 否则责任自负
自提取空箱当日起, 7天(日历天)的免费用箱天

Exhibit 6

HFinkel/Howard Finkel (US/CCLA/TRD)

From: BUtley/Bruce Utley (US/CCLA/TRD)
Sent: Wednesday, May 15, 2013 11:54 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: JRush/Joan Rush (US/CCLA/OMD)
Subject: SBI Intl XNG cntrs
Attachments: FW: 答复: 8006550460 COD to Hong Kong URGENT URGENT; FW: CHBU2834534
TRIU8790938 NEW POD HONG KONG SUPER URGENT ; FW: 8006550460 RETURN
to Hong Kong URGENT URGENT

Howard – The two cntrs moved on b/l 8006550460 (CBHU2834534 / TRIU8790938) and they arrived into SHA on June 17th where they transhipped to XNG, departing on the 24th and arriving the 26th. SB asked for diversions on these boxes on the 15th. Diversion request sent same day (FRI), cargo arrived on SUN (17th) and Chinese customs rejected the COD because cargo arrived at SHA by the time boxes arrived in SHA. Did some digging and I found communication from me and Joan on this subj, see attached.

Regards

Bruce Utley

District Sales Manager - Southeast
Cosco Container Lines Americas Inc - Atlanta, GA
Office: (770) 696-5481
Cell: (404) 973-7283
Fax: (770) 674-5987

E Mail: butley@cosco-usa.com

www.cosco-usa.com



HFinkel/Howard Finkel (US/CCLA/TRD)

From: BUtley/Bruce Utley (US/CCLA/TRD)
Sent: Wednesday, May 15, 2013 11:31 PM
To: BUtley/Bruce Utley (US/CCLA/TRD)
Subject: FW: 8006550460 RETURN to Hong Kong URGENT URGENT
Attachments: 答复: 答复: 8006550460 COD to Hong Kong URGENT URGENT

Regards

Bruce Utley

District Sales Manager - Southeast
Cosco Container Lines Americas, Inc. - Atlanta, GA
Office: (770) 696-5481
Cell: (404) 973-7283
Fax: (770) 674-5987

E Mail:

www.cosco-usa.com



From: lihb/Li HaiBo(SCTD)
Sent: Tuesday, June 19, 2012 8:56 PM
To: JRush/Joan Rush (US/CCLA/OMD); zhouli/Zhou Li(SH-Transshipment); luying/Lu Ying(SH-Documentation); zhengyi/Zheng Yi(SH-Documentation); zhangy3/Zhang Yan(SH-Documentation)
Cc: luying/Lu Ying(SH-Documentation); tangl/Tang Ling(CDS); xiaobzh/Xiao Buzhou(ATD); ZONGHX/Zong HaiXiang(SH-Transshipment)
Subject: 答复: 8006550460 RETURN to Hong Kong URGENT URGENT

Dear John,

Refer to the attachment, understand the 'cod to hongkong can not accepted by Customs after vessel called at shanghai It is too late to cod now'.

B.rgds

Li

发件人: JRush Joan Rush (US/CCLA/OMD)
发送时间: 2012年6月19日 22:17
收件人: zhouli Zhou Li(SH-Transshipment); lihb Li HaiBo(SCTD); luying/Lu Ying(SH-Documentation); zhengyi Zheng Yi(SH-Documentation); zhangy3.Zhang Yan(SH-Documentation)
抄送: luying/Lu Ying(SH-Documentation); tangl Tang Ling(CDS); xiaobzh/Xiao Buzhou(ATD); ZONGHX/Zong HaiXiang(SH-Transshipment)
主题: RE: 8006550460 RETURN to Hong Kong URGENT URGENT

Regarding 8006550460

Containers TRIU8790938 AND CBHU2834534, Shipper has requested if possible to have containers "return to HONG KONG"

HFinkel/Howard Finkel (US/CCLA/TRD)

From: BUtley/Bruce Utley (US/CCLA/TRD)
Sent: Wednesday, May 15, 2013 11:36 PM
To: BUtley/Bruce Utley (US/CCLA/TRD)
Subject: FW: Payments REVISED

Regards

Bruce Utley

District Sales Manager - Southeast
Cosco Container Lines Americas, Inc - Atlanta, GA
Office: (770) 696-5481
Cell: (404) 973-7283
Fax: (770) 674-5987

E Mail: Bruce.Utley@cosco.com

www.cosco-usa.com



From: JRush/Joan Rush (US/CCLA/OMD)
Sent: Friday, July 06, 2012 12:48 PM
To: 'RONALD PENN'; BUtley/Bruce Utley (US/CCLA/TRD)
Cc: BUtley/Bruce Utley (US/CCLA/TRD); JYoung/Jaime Young (US/CCLA/TRD)
Subject: RE: Payments REVISED

Your initial request was sent on Friday JUNE 15
We sent email immediately (same day)
vessel arrived at Shanghai Sunday JUNE 17
Cargo was already declared as T/S cargo to Xingang

I will send instructions today for diversions from Xingang to HKG
I will revert Sunday evening with the outcome

Thank you
JR

From: RONALD PENN [mailto:madfoods@msn.com]
Sent: Friday, July 06, 2012 12:09 PM
To: BUtley/Bruce Utley (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD)
Cc: BUtley/Bruce Utley (US/CCLA/TRD); JYoung/Jaime Young (US/CCLA/TRD)
Subject: Re: Payments

Hi Bruce,

Our records show that Cosco was advised within sufficient time to divert the cargo
and we shall forward this information at our earliest.

In meantime, please move immediately via fastest dispatch the following containers
OUT of the port of Xingang...

MOVE ALL THE FOLLOWING CONTAINERS ASAP TO: HONG KONG

TRIU 868 1562

TRIU 879 0938

CBHU 283 4534

PLEASE CONFIRM THE MOVEMENT OF THE ABOVE CARGO
TO HONG KONG INDICATING ETA DATE AND VESSEL NAME.
...EXPECT YOU SHOULD BE ABLE TO ACCOMPLISH THIS
WITHIN THE NEXT FEW DAYS.

Our agents are waiting to receive them once they
have arrived.

Thanks for your cooperation,

Regards,

Ron

From: BUTley/Bruce Utley (US/CCLA/TRD)
Sent: Wednesday, July 04, 2012 6:46 PM
To: RONALD PENN
Cc: BUTley/Bruce Utley (US/CCLA/TRD) ; JYoung/Jaime Young (US/CCLA/TRD)
Subject: RE: Payments

Ron - I spoke to Joan Rush who is in our operations dept. She has been the one in
contact with Tony regarding the diversions. Here is the timeline she provided.
The dialogue actually started even earlier than we thought - started 6/15.

From: JRush/Joan Rush (US/CCLA/OMD)
Sent: Tuesday, July 03, 2012 1:07 PM
To: BUTley/Bruce Utley (US/CCLA/TRD)
Subject: 8006550460

Timeline

6/15 FRIDAY COD REQUEST TO HKG FROM SHIPPER

6/16 SAT. COSFRE SHA. ADVISED TO HOLD CONTAINERS

6/17 SUN. CONTAINERS ARRIVED AT SHANGHAI

6/18 MONDAY NO COD TO HKG; CONTAINERS ALREADY DECLARED TO CUSTOMS AS T/S TO XINGANG

6/19 TUES. SHIPPER IS NOW REQUESTING TO RETURN CONTAINERS TO HKG

6/20 WED. COSFRE SHANGHAI REPLIED NO; CONTAINERS WILL T/S TO XINGANG AS BOOKED

6/20 WED. SHIPPER REQUESTED CONTAINERS STOP AT SHA

6/21 THURSDAY CONTAINERS HAVE ALREADY BEEN DECLARED TO CUSTOMS AND WILL LOAD FEEDER TO XINGANG 6/24

ETA XIN 6/27

As you can see Cosco did everything to get these cntrs diverted but Chinese Customs would not allow it since cargo already declared as transshipping to XNG.

I've attached all the emails on this subj received from Joan. <<Untitled>> <<Untitled>>

Ron - Hopefully your buyer I Pak can take the boxes in XNG. Pls advise on THU what you want us to do with the boxes. I will be traveling tomorrow so pls include Jaime in cc. Thanks

Jaime - pls relay Ron's response to Joan. Thanks

Regards

Bruce Utley

District Sales Manager - Southeast

Cosco Container Lines Americas, Inc. - Atlanta, GA

Office: (770) 696-5481

Cell: (404) 973-7283

Fax: (770) 674-5987

E Mail: butley@cosco-usa.com

-----Original Message-----

From: BUTley/Bruce Utley (US/CCLA/TRD)

Sent: Tuesday, July 03, 2012 3:49 PM

Exhibit 7

HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, October 23, 2012 3:26 PM
To: Jason Guthrie
Subject: SBIPoultry Shipments

Jason,

The following are the detailed list of charges through today on SBI's boxes:

REEFER PLUG CHARGES

CBHU2834534-CNY36890

TRIU 8790938-CNY 36890

TRIU 8681562-CNY39370

CBHU 2969740-CNY 34720

FOR REEFER PLUG CHARGES AFTER 10/22, ADD CNY310 PER DAY.

TRUCK CHARGES

CNY 300 X 4=CNY1200

DEMURRAGE AND DETENTION

CBHU2834534-CNY138768 OVER 112 DAYS

TRIU8790938-CNY138768 OVER 112 DAYS

TRIU8681562-CNY150864 OVER 121 DAYS

CBHU-2969740-CNY

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(SCTD)
Sent: Thursday, October 25, 2012 4:26 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUTley/Bruce Utley (US/CCLA/TRD); pengchao/Peng Chao(TSD); JYoung/Jaime Young (US/CCLA/TRD); wanggx/Wang Guixiang(TSD); huyy1/Hu Yuanyuan(SCTD); wangxl3/Wang XiuLin(COSFRETJ); BUTley/Bruce Utley (US/CCLA/TRD); chenya1/Chen Yang(SCTD)
Subject: 答复: SBI Poultry Shipments at Xingang for SBI International

Dear Howard Finkel,

Thanks yours.

As we have no fault in this case, actually we had done our best to provide the customer assistance utmost we are not willing, it is also unfair for us, to offer our mitigation at this stage.

Also, does the customer focus on the mitigation only and any their confirmed time schedule for cargo delivery?

Thanks again for your kind understanding in this case.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Friday, November 02, 2012 1:21 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Update on the SBI/COSCO complaint, FMC Complaint No. 120646

Importance: High

Good afternoon, Howard,

I understand that you had said that Shanghai wouldn't budge on the amount owed over SBI's containers, but Ronald Penn has offered to pay COSCO \$106,000 to have the containers released. This would be approximately \$60,000 towards detention and demurrage, and \$46,000 towards the other charges. He is looking for a response as quickly as possible.

Kind regards,

Jason Guthrie

Office of Consumer Affairs and Dispute Resolution Services

Federal Marit

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lih/Li HaiBo(GSD)
Sent: Thursday, November 08, 2012 11:29 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUtley/Bruce Utley (US/CCLA/TRD); RCaamano/Ralph Caamano (US/CCLA/TRD); huyy1/Hu Yuanyuan(GSD); chenya1/Chen Yang(GSD)
Subject: 答复: Any News?

Dear Howard Finkel,

We are applying to our management regarding the following which may take days.

At the same time, please kindly check and advise if the customer will deliver the cargo at Xingang or need to deliver at Hong Kong and if the \$60,000.00 plus \$46,000 has included the freight to Hong Kong already, thanks.

B.rgds

Li

-----邮件原件-----

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2012年11月9日 6:18
收件人: lih/Li HaiBo(GSD)
抄送: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUtley/Bruce Utley (US/CCLA/TRD); RCaamano/Ralph Caamano (US/CCLA/TRD)
主题: FW: Any News?
重要性: 高

Dear Li HaiBo,

The account is now threatening to file some claims against us unless he gets answers to his questions tomorrow.

You mentioned that there was still some problems with Customs in Xingang, the customer is claiming that the cargo is cleared, what is the truth here?

I already told them the most we could consider mitigating the detention/demurrage was \$3000.

Can we give them a final price as of tomorrow?

Best Regards
Howard Finkel

-----Original Message-----

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Thursday, November 08, 2012 5:05 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: FW: Any News?
Importance: High

Howard,

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Tuesday, November 27, 2012 1:34 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUtley/Bruce Utley (US/CCLA/TRD); huyy1/Hu Yuanyuan(GSD); chenya1/Chen Yang(GSD)
Subject: 答复: Request for update, FMC Complaint no. 120646 - SBI International

Dear Howard Finkel,

Thanks yours.

To have a quick settlement for the following, we now propose the following:

Please firstly have SBI's confirmation that the four reefers are free from any restrictions from the local Customs now and SBI or their consignee is ready in all respects in Xingang to deliver/ transshipment to Hong Kong the four reefers.

If above is positive, we could accept the \$60,000 towards detention and demurrage and \$46,000 towards the other charges

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Friday, November 30, 2012 10:05 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Settlement between COSCO and SBI

Good morning, Howard,

I think that we are ready to begin implementing the agreement we talked about between COSCO and SBI International.

I explained to Ron the fact that he would need to get some sort of documentation regarding customs clearance for any of this to work, he seemed to indicate that getting such wouldn't be a problem.

He has proposed the following terms to implement the settlement. If you have a chance, I'd appreciate it if you could review and let me know w

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Monday, December 03, 2012 9:04 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: huyy1/Hu Yuanyuan(GSD)
Subject: 答复: Settlement between COSCO and SBI
Attachments: @

Dear Howard Finkel,

Checked with our TSD and confirmed payment in US is acceptable and CCLA needs to issue an S/N DND invoice in A/R and give us the invoice number thereafter. For details please find the attachment.

Please have the shipper's confirmation to pay ocean rates in addition to the USD 60,000.

Please clarify details of 'Additional amounts prorated on daily basis beyond that date at a mutually agreed daily rate per container', thanks.

B.rgds

Li

Attachments:

[The Procedures to pay DND in the Third Place.doc](#)

(38 KB)

[case by case new.xls](#)

(29 KB)

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Wednesday, December 05, 2012 8:09 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: huyy1/Hu Yuanyuan(GSD)
Subject: 答复: Potential settlement between COSCO and SBI International

Dear Howard,

Thank you very much!

If SBI has confirmed that the four reefers are free from any restrictions from the local Customs/ it is SBI's responsibilities to have the approvals from local Customs to deliver/ transshipment to Hong Kong the four reefers.

B.rgsd

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2012 年 12 月 6 日 4:48
收件人: lihb/Li HaiBo(GSD)
主题: FW: Potential settlement between COSCO and SBI International

Hi Li HaiBo,

Please

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Thursday, December 06, 2012 8:46 AM
To: Jason Guthrie
Cc: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Re: Potential settlement between COSCO and SBI International

Sounds right but all predicated on cargo being released by China Customs. We cannot mitigate charges after Nov. 30 th.

Best Regards
Howard Finkel

Sent from my iPhone

On Dec 5, 2012, at 3:36 PM, "Jason Guthrie" <jguthrie@fmc.gov> wrote:

Hey Howard,

Just want to make sure I've got the information right based on our phone call:

1. SBI International would wire to COSCO in the USA \$60,000.
2. This would cover all D and D charges through November 30.

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Wednesday, December 12, 2012 2:25 PM
To: RONALD PENN
Cc: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: FW: Cosco Progress

Hi Ron,

COSCO Shanghai has indicated that nothing will be released until your agent can demonstrate that Chinese Customs is prepared to release the cargo to COSCO for COSCO to release it to you. Is that a document you can collect from your agent?

Kind regards,

Jason Guthrie

Office of Consumer Affairs and Dispute Resolution Services

Federal Maritime Commission

800 North Capitol Street, NW

Washington, DC 20573

(202) 523-4597

All matters discussed with

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Wednesday, December 12, 2012 9:16 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: LPalazzo/Lou Palazzo US/CCLA/FAD); BUtley/Bruce Utley (US/CCLA/TRD); zhouwei/Zhou Wei (US/CCLA); liujun/Liu Jun(US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); huyy1/Hu Yuanyuan(GSD); yukm/Yu KeMiao (ATD)
Subject: 答复: Cosco Progress

Dear Howard Finkel,

Thank you very much once again for your efforts in this case.

Further to our message below, to speed up the settlement and avoid misunderstanding current and potential in the future, if it is acceptable for SBI, would you please kindly check with SBI to have their agent in Xingang/China contact me directly (my tel number is 021-35124888 x 1807)(suppose their agent may be Tianjin Tongda Sheng yun Freight but we need their confirmation/ authorization firstly)

HFinkel/Howard Finkel (US/CCLA/TRD)

From: xiwj/Xi WenJing(CDS)
Sent: Tuesday, January 08, 2013 2:01 AM
To: chenjin1/Chen Jin(SH-Documentation); luying/Lu Ying(SH-Documentation); yangbo/Yang Bo(SH-Documentation); zhangy3/Zhang Yan(SH-Documentation); zhengyi/Zheng Yi(SH-Documentation); zongth/Zong TongHua(SH-Shipping); chenhy/chen hongyu(COSFRETJ); lichl/Li ChunLan(COSFRETJ); liulei1/Liu Lei1(COSFRETJ); xiych/Xie YongChun(COSFRETJ); zhuql1/ZHu QingLei(COSFRETJ)
Cc: JRush/Joan Rush (US/CCLA/OMD); wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD); xuysh/Xu YinSheng (US/CCLA/FAD); wengqn/Weng QiNi(TSD); HFinkel/Howard Finkel (US/CCLA/TRD); yukm/Yu KeMiao (ATD); tangl/Tang Ling(CDS)
Subject: 转发: Settlement between COSCO and SBI
8006550469/8006550460/8006513204/8006544330

Dear agent,

We have updated consignee per below for above four shipments.

Tianjin Tongda Sheng yun Freight

Forwarders Co.,Ltd.

Address: Room 29-4-501 Huayun Garden TangGu District TianJin

Tel: 86-022-66389956

Fax: 86-022-66389976

Please note!

发件人: tangl/Tang Ling(CDS)
发送时间: 2013 年 1 月 8 日 13:16
收件人: JRush/Joan Rush (US/CCLA/OMD); wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD); xuysh/Xu YinSheng (US/CCLA/FAD); wengqn/Weng QiNi(TSD); xiwj/Xi WenJing(CDS) (xiwj@cos

HFinkel/Howard Finkel (US/CCLA/TRD)

From: wangxl3/Wang XiuLin(COSFRETJ)
Sent: Wednesday, January 30, 2013 8:44 PM
To: lihb/Li HaiBo(GSD)
Cc: HFinkel/Howard Finkel (US/CCLA/TRD); wangjhh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers

Dear Li

281232+281232+293328+273168=1128960 CNY

Wang xiulin

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 1 月 31 日 8:55
收件人: wangxl3/Wang XiuLin(COSFRETJ)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD)
主题: 答复: SBI containers

Dear Wang,

Could you please kindly check and advise the following, thanks.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2013 年 1 月 30 日 23:00
收件人: lihb/Li HaiBo(GSD)
主题: FW: SBI containers

Hi Li HaiBo,

Pls see the following e-mail from the FMC. Can we let them know what the D and D charges will be up till Feb. 5th? And payment instructions?

Thanks
And Best Regards
Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Friday, January 25, 2013 8:59 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: SBI containers

Hi Howard,

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Sunday, February 17, 2013 1:02 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: wangxl3/Wang XiuLin(COSFRETJ); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers
Attachments: Settlement between COSCO and SBI 8006550469/8006550460/8006513204/8006544330

Dear Howard,

The DND amount is total CNY 483840 from 01/12/2012 to 28/02/2013 inclusive. Actually, the amount is CNY 1344 per unit per day starting from Dec 1 2012.

As per our settlement between SBI, all other charges locally including but not limited to plugs, moving fees, etc will be for consignee/ shipper/ customer's account, which will be settled by the shippers/consignees locally themselves.

As far as we know, the containers are still under the custody of the local Customs.

We have complied with the settlement between SBI but apparently they still have not withdrawn the complaint from FMC, haven't they?

We are in all respects ready to wait for their taking delivery but however, we keep being asked something from time to time by the customer. We respectfully request the customer to take delivery and arrange transship the cargo in Xingang asap, many thanks.

B.rgds

Li

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:59
收件人: wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
主题: 答复: SBI containers

DEAR LI:

FROM 01/12/2012 TO 28/02/2013

EACH CONTAINER DND CHARGES IS 120960 CNY
TTL: 120960 X 4 = 483840 CNY

B. RGDS
WANG XIULIN

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:44
收件人: lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA)
主题: 答复: SBI containers

HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, February 26, 2013 4:45 PM
To: lihb/Li HaiBo(GSD)
Cc: ZhuJD/Jiandong Zhu (US/CCLA); wangxl3/Wang XiuLin(COSFRETJ); wangjh/Wang JiHong(COSFRETJ)
Subject: FW: Fwd: FW: SBI containers

Hi Li HaiBo,

Please see the e-mail I have sent to the FMC on this matter. I will still need an answer from you on all the charges SBI makes against us in the below E-Mail. It looks pretty certain that they will go through with this formal complaint to the FMC, so we will need all the proof we can to show we tried and help him get this cargo released.

Best Regards
Howard Finkel

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, February 26, 2013 4:38 PM
To: 'Jason Guthrie'
Subject: RE: Fwd: FW: SBI containers

Dear Jason,

I am perplexed by this response from Mr. Penn. When I was first brought into this situation Mr. Penn's containers were stuck in China because Chinese Customs put a hold on them for inspection. Just like what happens in the U.S., when Customs puts a hold on containers, all charges are for the account of the cargo. When you first contacted me with Mr. Penn, his request was that we mitigate the demurrage and detention charges these containers accrued. As I mentioned at the time, we were under no obligation to mitigate these charges but we wanted to help out this customer and get our equipment back so we mitigated the D and D charges through December. I made it clear at that time that Mr. Penn would have to arrange clearance with Customs and settle all local terminal charges. This is the first time I am hearing about a temporary release, you were on all the correspondence regarding this matter and unless I am mistaken, I don't believe you heard anything about a temporary release. I maintained contact with our Shanghai office who informed me that it appeared a Custom's release was not received. At one point my head contact in Shanghai told me to give his phone number to Mr. Penn and his agent so they could have a direct line of communication and get this matter settled. These containers continued to sit in China and Mr. Penn again asked that to mitigate more detention and demurrage charges which we were not prepared to do. He is now asking that we perform an inspection and if the cargo is spoiled, reimburse him for his costs. We have done more than what we were legally obligated to here, every time there seems to be an end in sight Mr. Penn comes up with another request for mitigation or now this story about asking for a temporary release.

Best Regards
Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Monday, February 25, 2013 12:38 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Fwd: Fwd: FW: SBI containers

Good morning, Howard,

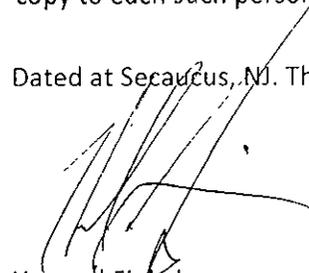
Certificate of Service

RECEIVED

2013 JUN -3 AM 11:04

I hereby certify that I have this day served the foregoing document upon (Special Agent in Charge)  www.federalmaritime.com,
, C/O Ronald Penn, 8401 Lake Worth Road, suite 122, Lake Worth Florida, 33467) by mailing via UPS
a copy to each such person.

Dated at Secaucus, NJ. This 31st day of May 2013



Howard Einkel

Executive VP COSCO Container Lines Americas, Inc.