

**BEFORE THE
FEDERAL MARITIME COMMISSION**

Docket No. 13-04

STREAK PRODUCTS, INC.,

and

SYX DISTRIBUTION INC.

COMPLAINANTS,

v.

UTi, UNITED STATES, INC.,

RESPONDENT.

COMPLAINANTS' PROPOSED SCHEDULE

Pursuant to Your Honor's April 21, 2014 Order to Submit a Proposed Schedule, Streak Products, Inc. ("Streak") and SYX Distribution (SYX) (collectively "Complainants") submit this proposed scheduling order. Although Your Honor's Order contemplated a joint proposed schedule, as reflected below, the parties have been unable to agree on a proposed schedule.

The primary issue in dispute is whether the Respondent should be permitted to re-open discovery and presumably re-depose the Complainants based upon the fact that they have as of this time still not produced documents in response to the Complainants' long outstanding discovery requests. Your Honor entered an Order on April 7 requiring them to produce documents in response to the Complainants' Motion to Compel by April 21, 2014. After the

Complainants sought a further extension of time for such production, Your Honor gave them until May 7th to provide supplemental responses.

Pursuant to Your Honor's Scheduling Order, the Complainants submitted an expert report to UTi on March 4, 2014. In that report, the Complainants indicated that the report would be supplemented upon receiving documents sought in discovery from the Complainants, including documents reflecting the amount that UTi had paid the underlying carrier for the transportation at issue.

On April 24, 2014, UTi deposed the Complainants expert in Prague, the Czech Republic. They now apparently want the right to re-depose him when they produce the documents that were sought in discovery from them when this Complaint was originally filed.

The Complainants submit that there is no justifiable basis for imposing such further expense, or for such additional delay, particularly given that the sole reason for the fact that the report did not originally address this issue is the Respondents' own intransigence. The Complainants merely need a brief time (approximately three weeks) in order to review the documents that UTi is supposed to produce as of today. At that time, it is prepared to move this case to resolution. Accordingly, the Complainants propose the following schedule:

1. Completion of all discovery, including depositions of expert witnesses

Discovery is complete.

2. Filing of Complainants' Proposed Findings of Fact, Supporting Evidence, and Brief:

June 30, 2014.

3. Filing of Respondent's Response to Complainants' Proposed Findings of Fact, Respondent's Proposed Findings of Fact, Respondent's Appendix, and Respondent's Brief:

July 25, 2014.

4. Filing of Complainants' Reply to Respondent's Proposed Findings of Fact and Reply to Respondent's Brief

August 15, 2014.

Oral Hearing

The Parties do not contemplate the need for an oral hearing on this matter.

Dated: May 7, 2014

Respectfully submitted,



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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was delivered to the following addressees at the addresses stated by depositing same in the United State mail, first class postage prepaid, and/or by electronic transmission, this 7th day of May 2014:

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