

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

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STREAK PRODUCTS, INC., and	:	
SYX DISTRIBUTION INC.	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. 13-04
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	:	
UTi, UNITED STATES, INC.,	:	
	:	
Respondent.	:	

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**UTi UNITED STATES, INC.’S  
MOTION FOR ENLARGEMENT OF TIME TO SUPPLEMENT DISCOVERY**

Respondent UTi, United States, Inc. (“UTi” or “Respondent”), by and through its counsel, hereby moves for an enlargement of time to supplement discovery in the above captioned matter. Presently, and pursuant to Your Honor’s April 7, 2014, Memorandum and Order on Complainants’ Motion to Compel (“Order”), the current deadline for Respondent to supplement its responses to discovery is April 21, 2014. UTi moves for an enlargement of the current deadline to May 30, 2014.<sup>1</sup> Given the new discovery obligations imposed on UTi and the unavailability of certain key UTi employees and its counsel, good cause exists to grant this motion.

First, we note that on April 3, 2014, UTi filed a motion requesting an enlargement of time to complete discovery. This motion requests that the deadline for completion of discovery be extended until Friday, May 30, 2014. Should the motion be granted, UTi’s current request for an

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<sup>1</sup> At minimum, Respondent requests thirty (30) days to supplement discovery, as typically granted pursuant to Commission 46 C.F.R. § 206(b)(2). In such case, the deadline to respond would be extended until May 7, 2014.

enlargement of time to supplement its discovery responses would not interfere with timely completion of the discovery process.

UTi realizes the importance of providing accurate and complete discovery responses. As Your Honor notes, SYX Distribution Inc. (“SYX”) was not a complainant at the time discovery was served. *See e.g.*, Order at 5. Accordingly, UTi did not originally search for or review documents associated with SYX. In order to comply with Your Honor’s Order, UTi will need to conduct a separate and distinct review of all hard-copy and electronic documents pertaining to SYX. Given the large number of shipments at issue in this case, UTi expects this will be a timely endeavor.

In addition to information related to SYX, in order to appropriately supplement its discovery responses, UTi must search and review shipment information for UTi customers who are not a party to this action. According to Your Honor’s Order, UTi must identify all “all shippers of computer storage devices or other electronic devices prior to or on April 26, 2011.” Order at 8. Further, UTi must identify and describe “the rates charged other shippers by UTi up to and including April 26, 2011, for imports of LCL shipments of computer storage devices or other electronic devices.” Order at 13. Given UTi’s substantial customer list, UTi requires additional time to properly locate these customers, and identify rates charged.

Certain personnel issues also hinder UTi’s effort to produce its responses before the current deadline. Recently, UTi’s “Vice President of Ocean Forwarding – Americas,” Mark Bartmann, left the company. While at UTi, Mr. Bartmann was responsible for overseeing rate negotiation and the tariff publication process for the Americas. Accordingly, he has been instrumental in assisting Respondent this matter. Additionally, Anneli Madrazo, UTi’s “Ocean Freight Forwarding Manager for the Western Region,” is currently out of the country on business

travel. Ms. Madrazo left the country on March 28, 2014, and will be returning April 21, 2014. Ms. Madrazo manages UTi's day-to-day rate negotiations and tariff publications. She too has been essential to UTi's review of the transportation services provided in this case. Without both key personnel on-hand, it will be increasingly challenging for UTi to comply with the current April 21<sup>st</sup> deadline for providing its responses to discovery.

Finally, the parties have agreed to a deposition of Complainants' expert, Steve Ferreira on April 24, 2014. The deposition will occur in Prague, Czech Republic. UTi has been diligently reviewing Mr. Ferreira's report, and is conducting a line-by-line review of the shipment files analyzed. In light of this preparation and associated travel time, Respondent will be hard-pressed to supplement its discovery responses by the current deadline.

### **CONCLUSION**

For the foregoing reasons, Respondent UTi respectfully requests that its Motion for Enlargement of Time to Supplement Discovery be granted, and that the deadline for UTi to file its responses be extended to until Friday, May 30, 2014.

Dated: April 14, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

**I hereby certify that I have this day served the foregoing document upon the following individuals by e-mail and first-class mail:**

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Dated in Washington, D.C. this 14th day of April, 2014.