BEFORE THE
FEDERAL MARITIME COMMISSION

Docket No. 13-07

GLOBAL LINK LOGISTICS, INC.,

COMPLAINANT,

v.

HAPAG-LLOYD AG,

RESPONDENT.

RESPONDENT'S OPPOSITION TO GLOBAL LINK LOGISTICS, INC.'S MOTION TO ENLARGE TIME FOR FILING EXCEPTIONS TO INITIAL DECISION

Respondent Hapag Lloyd AG respectfully requests that the Commission deny Complainant Global Link Logistics, Inc.'s Motion for an Order pursuant to Rule 228 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.228, to enlarge the time for filing Exceptions to the Presiding Officer's order of dismissal by thirty-one (31) days. The motion, which seeks an extraordinary delay in this docket, fails to meet the applicable "exceptional circumstances" test in Rule 228.

Complainant seeks a significant delay in this docket, an entire month – substantially longer than the whole time period provided for exceptions (22 days) under Rule 227. Despite asking for extraordinary relief, Complainant does not plead or seek to meet the high "exceptional circumstances" threshold for extending time for in these circumstances. Complainant's entire justification for the lengthy delay consists of a brief paragraph explaining that its counsel has

certain other filings in the next few weeks. This statement does not provide a sufficient factual basis to demonstrate the sort of "exceptional" conditions that would warrant the relief sought.

The request to delay this docket is not reasonable in light of the posture of the case. The complaint was dismissed by the Presiding Officer on legal grounds, for its failure to state a Shipping Act claim for which relief can be granted. There is no evidentiary record or findings of fact requiring necessitating exhaustive, time-consuming analysis at the current stage. Laborious new research and analysis is not needed, insofar as the arguments, precedents and Shipping Act principles at issue in the docket were researched and briefed in the proceeding below. There is no reason to incur weeks of delay to brief a limited number of narrow points of law.

Moreover, further delay is prejudicial to Respondent. Respondent has incurred significant costs and burdens defending a lengthy complaint that does not state a claim under the Shipping Act. As noted in our motion to dismiss, Complainant has utilized the filing of the instant complaint as a basis to resist responding to a Respondent's request for arbitration of a breach of service contract claim. Any additional delay in this docket only serves to further disadvantage Respondent by allowing such tactics to continue indefinitely.

Given the absence of exceptional circumstances, there is no basis to grant Complainant's motion. We respectfully request that it be denied.

Respectfully submitted,

Matthew J. Thomas

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Matthew J. Thomas
Blank Rome LLP
Watergate 600 New Hampshire Avenue NW
Washington, DC 20037
mthomas@blankrome.com

May 6, 2014

CERTIFICATE OF SERVICE

A true and correct copy of Respondent's opposition to Complainant's motion to extend time for filing exceptions was delivered by mail and email this 6th day of May, 2014, to:

David P. Street
Brendan Collins
GKG LAW, PC
Canal Square – Suite 200
1054 Thirty-First Street, NW
Washington, DC 20007

Matthew J. Thomas