

Federal Maritime Commission
Washington, D.C.

Edaf Antillas, Inc.,

Docket No. 14-04

Complainant

v.

Crowley Caribbean Logistics, LLC,
IFS International Forwarding, S.L.
and IFS Neutral Maritime Services,

Respondents.

STATUS REPORT OF IFS NEUTAL MARITIME
SERVICE, INC. AND REQUEST FOR RELIEF

The December 16, 2014, Amendment to Discovery Schedule ordered that the parties file a joint status report on January 30, 2015. Please accept this status report and request for relief on behalf of Respondent IFS Neutral Maritime Service, Inc. ("IFS") concerning a discovery issue.

In Complainant Edaf Antillas' ("Edaf") November 25, 2014, responses to IFS' damages interrogatories, Complainant responded by identifying its accountant Salvador Lugo Cosme as a person with knowledge of facts supporting Complainant's damages allegations. IFS therefore noticed Mr. Cosme's deposition for December 18, 2014. As

advised in the Third Joint Status Report, Mr. Cosme's deposition was unlikely to take place on that date, and the parties requested an extension of the deadline for depositions. The December 16, 2014, Amendment to Discovery Schedule, extended the deadline for depositions of fact witnesses to January 20, 2015, and extended the deadline for fact discovery to January 26, 2015.

Following entry of the Amendment to Discovery schedule, the deposition of Carlos Matos was adjourned to January 13, 2015 and the deposition of Mr. Cosme was adjourned to January 14, 2015. The parties' Fourth Joint Status Report of January 12, 2015, confirmed the parties' agreement to these dates.

On January 13, IFS took Mr. Matos' deposition. After his deposition, Mr. Matos advised that Mr. Cosme was likely not available for his deposition on January 14. We advised that we were amenable to working with Edaf on alternate dates and in a subsequent email to Mr. Matos on January 13 advised that we were available to take Mr. Cosme's deposition on January 15, 16, or 20 if it could not be taken on January 14. We sent a follow up email later on January 13 inquiring whether Mr. Cosme's deposition would go forward on January 14.

Early on the morning of January 14, Mr. Matos advised by e-mail that Mr. Cosme was not available that day. We responded by e-mail on January 14 requesting Edaf's confirmation concerning the proposed alternate dates. Receiving no response, we

followed up with Mr. Matos again on January 16 seeking confirmation of an alternate date for Mr. Cosme's deposition. On the morning of January 19, Mr. Matos responded, advising that he had no news on whether Mr. Cosme was available.

In response to Mr. Matos' January 19 e-mail, and in an attempt to work with Edaf with respect to Mr. Cosme's deposition, we advised in a January 19 e-mail that we had sought Mr. Cosme's deposition because Edaf had identified him as a person with knowledge of Edaf's alleged damages in responses to IFS' interrogatories. We further advised that if Edaf would not be using Mr. Cosme as a witness by affidavit (or otherwise) or to provide any other evidence in support of Edaf's claims, then there would be no need for his deposition and we would be willing to forego it. We requested confirmation from Mr. Matos whether that was the case, otherwise we would have to come up with a date for his deposition.

Receiving no response to our January 19 e-mail, we again inquired of Mr. Matos by e-mail on January 26 and 29 concerning dates for Mr. Cosme's deposition. This morning Mr. Matos advised that Mr. Cosme remains unavailable.

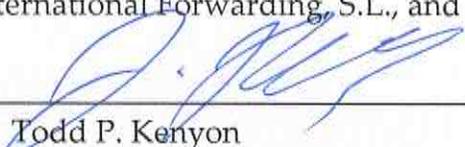
IFS does not seek to amend the present schedule for the parties' submissions, but does seek to retain its right to take Mr. Cosme's deposition. We have been more than willing to work with Edaf on alternate dates for Mr. Cosme's deposition to no avail at this point. We therefore respectfully request a ruling directing Edaf to make Mr. Cosme

available for his telephone deposition no later than 20 days before March 23, 2015, the date IFS' response to Edaf's proposed findings of fact, brief and appendix is due. Such a ruling would retain the submission schedule in place, vindicate IFS' right to depose Mr. Cosme and leave open the possibility that Mr. Cosme's deposition may not be needed depending on the content of Edaf's submission.

Dated: January 30, 2015

BETANCOURT, VAN HEMMEN, GRECO & KENYON LLC
Attorneys for Respondents
IFS International Forwarding, S.L., and IFS Neutral Maritime Service, Inc.

By: _____


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