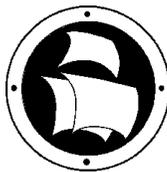


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February 25, 2015

Honorable Erin M. Wirth
Administrative Law Judge
Federal Maritime Commission
800 North Capital Street, N.M.
Washington, D.C. 20573-0001

Via email to judges@fmc.gov and secretary@fmc.gov

RE: Docket No. 14-10: Econocaribe Consolidators, Inc. v. Amoy International, LLC Request for Oral Argument

Dear Judge Wirth,

Pursuant to 46 C.F.R. §502.69 and § 502.241, Econocaribe hereby submits its request for oral argument on Econocaribe's Motion to Compel Discovery. Econocaribe seeks to address the following issues at oral argument:

1. The discoverability of personnel files

Contrary to Amoy's argument, California state courts and federal courts consistently held that personnel files are discoverable if relevancy is shown. *See Heller v. Norcal Mut. Ins. Co.*, 8 Cal. 4th 30, 44, 876 P.2d 999, 1007 (Cal. 1994); *Ragge v. MCA/Universal Studios*, 165 F.R.D. 601, 604-05 (C.D. Cal. 1995); *Cook v. Yellow Freight System, Inc.*, 132 F.R.D. 548, 551 (E.D.Cal.1990); *In re Haw. Corp.*, 88 F.R.D. 518, 520 (D. Haw. 1980).

2. The scope of discovery should not be limited to four containers subject to this proceeding

We require Krystal Lee and Gabrielle Reynolds' personnel files pertaining to professional misconduct, reprimand or disciplinary actions placed in personnel files, reasons for such reprimand or disciplinary actions should be produced, without limitation to the four containers

subject to this proceeding. Prior misconduct and resulting disciplinary actions (or lack of disciplinary action) are relevant to prove Amoy's violation(s) of the Shipping Act, and to show Amoy's knowledgeability of the cargo or to show Amoy's failure to establish reasonable practices.

3. Request of Gaby's (Gabrielle Reynolds') personnel file is not "a fishing expedition"

Gaby's involvement in the subject shipment is not a mere suspicion. Gaby consummated the transaction when she gave the false shipper's instructions to Econocaribe. Gaby's privacy right in personnel files pertaining to professional misconduct, reprimand or disciplinary actions, reasons for such reprimand or disciplinary actions, is easily outweighed by its relevancy.

4. Amoy's objection to Exhibit I (Internet Printouts) is irrelevant

The Commission should reject Amoy's objection in ruling on the motion. Nothing in the Commission's Rules of Practice or the Federal Rules of Civil Procedure requires a motion to compel to cite only to non-hearsay evidence. Further, the Internet Printout has been authenticated by Complainant through the declaration of Shanshan Liang, submitted to the Commission on February 12, 2015. The statements made on these websites are party-opponent's statements, and thus not hearsay under F.R.E.

5. Melissa Chen's Declaration is inconsistent

Melissa Chen tries to explain that the Internet posts were Amoy's efforts in finding a buyer for the cargo. However, this is contradicted by Amoy's responses to Econocaribe's First Requests for Production. In responding to Request 13 in which Econocaribe asks for "Documentation showing Amoy's efforts in finding a buyer for the Cargo in China," Amoy states "None. Cargo is prohibited in China." *See* Exhibit 1.

Amoy contradicts itself by trying to exclude the Internet Printouts and at the same time explaining why these were posted. On one hand, Amoy tries to exclude the Internet Printouts on hearsay grounds. On the other hand, Amoy admits that it did post those statements on the Internet, making these statements non-hearsay.

Apparently, Amoy thinks that the posting and statements on the internet referring to the sale of four containers of used tires is beneficial to it, so it admits that it caused Krystal Lee to post them. At the same time, it thinks that the statements in the very same listings that "our business is related to Rubber and Plastic Industry and we specifically deal in tires scrap" is damaging, so it pretends that it does not know who posted them! Again, both are print-outs from Amoy's own tradekey.com profile.

Econocaribe believes that these issues may be better addressed at oral argument. Therefore, Econocaribe respectfully requests Commission to grant its request.

Sincerely,
THE MOONEY LAW FIRM, LLC

A handwritten signature in black ink, appearing to read "N. Mooney", with a stylized flourish at the end.

Neil Mooney, Esq.
For the firm

NBM

EXHIBIT 1

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 14 -10

ECONOCARIBE CONSOLIDATORS, INC.

COMPLAINANT

V.

AMOY INTERNATIONAL, LLC.

RESPONDENT

**RESPONDENT'S RESPONSE TO
COMPLAINANT'S FIRST REQUESTS TO PRODUCE DOCUMENTS**

Respondent Amoy International, LLC (“respondent” and/or “responding party”), hereby responds to Complainant Econocaribe Consolidators, Inc.’s (“complainant” and/or “requesting party”) First Requests to Produce Documents, pursuant to 46 C.F.R. § 502.201 and 206, Rule 201 and Rule 206 of the Federal maritime Commission Rules of Practice and Procedure, as follows:

INTRODUCTION

These responses are based upon diligent investigation by responding party and her counsel. However, these responses reflect only the current state of responding party's

shipper of this Cargo.

RESPONSE TO REQUEST NO. 11:

See Bates Nos. AM0014, AM0015 and AM0038 previously produced. In addition, see attached Bates Nos. AM0121 to AM0149.

REQUEST NO. 12:

Documentation showing Amoy's efforts in locating and collecting the Cargo from the Shipper after Cargo arrived in China.

RESPONSE TO REQUEST NO. 12:

Objection. Unintelligible and uncertain as to what is being requested. Without waiving the objection, Amoy could not locate the shipper after the cargo arrived in China.

REQUEST NO. 13:

Documentation showing Amoy's efforts in finding a buyer for the Cargo in China.

RESPONSE TO REQUEST NO. 13:

None. Cargo is prohibited in China.

REQUEST NO. 14:

Documentation showing Amoy's efforts in finding a consignee for the return of the Cargo to the USA.

RESPONSE TO REQUEST NO. 14:

Amoy will provide.

[sic] **REQUEST NO. 17:**

Your entire file relating to the Cargo

RESPONSE TO REQUEST NO. 17:

See attached, Bates no.AM0153 to AMK0171.

Dated: February 2, 2015

RUSSELL, MIRKOVICH & MORROW



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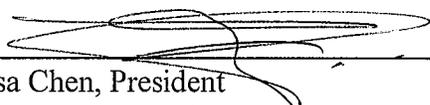
VERIFICATION

I have read the foregoing **RESPONDENT'S RESPONSE TO COMPLAINANT'S FIRST REQUESTS TO PRODUCE DOCUMENTS** and know its contents.

The matters stated in the foregoing document are true of my own knowledge, except as to those matters that are therein stated on information and belief, and concerning those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 2-2-15



Melissa Chen, President