

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 14-10

ECONOCARIBE CONSOLIDATORS, INC.

COMPLAINANT

v.

AMOY INTERNATIONAL, LLC.

RESPONDENT

COMPLAINANT'S REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, Complainant Econocaribe Consolidators, Inc. (“Econocaribe”) requests that the Commission take judicial notice of the complaint filed by ZIM American Integrated Shipping Services Company, LLC against Respondent Amoy International, LLC in the Southern District of New York. Complaints filed in federal courts are a proper subject for judicial notice. *See Rothstein v. Balboa Ins. Co.*, No. 14-1112, 2014 WL 4179879, at *1 (2d Cir. 2014); *U.S. ex rel Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir.1992).

DATED: January 26, 2015

THE MOONEY LAW FIRM, LLC

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Neil B. Mooney, Esq.

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Counsel for Complainant
Econocaribe, Inc.

EXHIBIT 4

JUDGE BATTS

2-751251

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

14 CV

2603

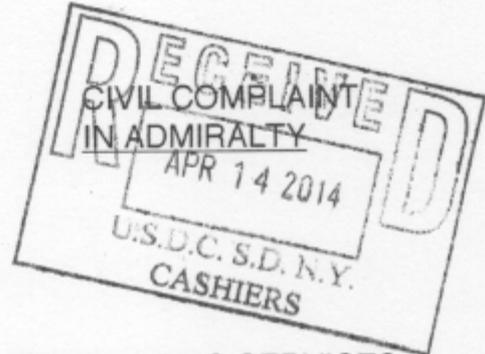
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ZIM AMERICAN INTEGRATED SHIPPING
SERVICES COMPANY, LLC

Plaintiff,

- against -

AMOY INTERNATIONAL, LLC,

Defendant.
-----X



Plaintiff ZIM AMERICAN INTEGRATED SHIPPING SERVICES COMPANY, LLC by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant AMOY INTERNATIONAL, LLC, in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Shipping Act of 1984, as Amended, 46 U.S.C., App. Section 1701, et seq., and Paragraph 24 of the Bill of Lading.

2. At all times hereinafter mentioned, plaintiff ZIM AMERICAN INTEGRATED SHIPPING SERVICES COMPANY, LLC. was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 5801 Lake Wright Drive, Norfolk, VA 23502.

3. Upon information and belief and at all times hereinafter mentioned, defendant AMOY INTERNATIONAL, LLC was and still is a limited liability corporation organized and existing under the Laws of the State of California, with offices and a place of business at 14145 Proctor Ave., Suite 14, City of Industry, CA 91746, with an agent for service of process, Yi Fan Chen, at

15405 La Belle St., Hacienda Heights, CA 91745.

4. On or about September 16, 2012, defendant, as shipper, made two shipments on plaintiff's Vessels from the United States to Piraeus.

5. Thereafter, the said goods were transported to the ports of destination and made available for delivery to the consignee.

6. The consignee failed to take delivery of the goods, and plaintiff notified defendant of this failure.

7. Defendant failed to make arrangements for delivery of the goods, and incurred additional charges for storage, demurrage et al totaling \$137,891.00, as set forth in Exhibit A, hereto, which amount is increasing on a daily basis.

8. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

9. Defendant has failed and refused and continues to fail and to refuse to remit the \$137,891.00 due, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$137,891.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon from the respective dates due, costs, disbursements, and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: Philadelphia, PA
April 7, 2014

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679

Attorneys for Plaintiff

ZIM AMERICAN INTEGRATED SHIPPING
SERVICES COMPANY, LLC

7 N. Columbus Blvd. #249

Philadelphia, PA 19106

(212) 696-1760

Out Of Pocket Breakdown Cost		
Bill of Lading	ZIMUORF445463	ZIMUORF445696
Agency Fee	523	628
Administration Charge	129	115
Demounting Empty	224	269
Empty Container Survey	54	65
Port Charge	88	106
Inspection Import (No VAT)	2,311	2,311
Terminal Storage	3,329	3,387
Total	6,658	6,881

Total Charges	
Total out of pocket cost for both bills	13,539
Demurrage for both bills	124,352
	137,891

EXHIBIT "A"

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **COMPLAINANT'S REQUEST FOR JUDICIAL NOTICE** was sent to the below-mentioned counsel via email on January 26, 2015.

Joseph N. Mirkovich, Esq.
RUSSELL MIRKOVICH & MORROW
Email: jmirkovich@rumlaw.com
Attorneys for Respondent
AMOY INTERNATIONAL LLC.

A handwritten signature in black ink, appearing to read "N. Mooney", written over a horizontal line.

Neil B. Mooney, Esq.