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August 15, 2016

Via Email to secretary@fmc.gov
Attn: Karen V. Gregory, Secretary
Federal Maritime Commission
800 N. Capitol St. N.W.
Washington, DC 20573

Re: *Baltic Auto Shipping Inc. v. Michael Hitrinov et al.*
FMC Docket No.: 14-16

Dear Ms. Gregory,

Notwithstanding that the Commission's Order of August 8, 2016 directed the parties to file a 'joint' status report, to the extent that respondents made no attempt whatsoever to contact complainant in furtherance of preparing such a joint report, but rather instead violated the Commission's Order by unilaterally filing an individual status report of this date, complainant respectfully asks the Commission to accept the instant status report in response thereto.

1. As the Commission is aware, I am counsel for the complainant in this matter.
2. As of the time of this writing, complainant has, in a separate email dated August 10, 2016, advised the Commission of complainant's intent to withdraw its pending appeal, with prejudice upon the execution of a Stipulation to Withdraw which was sent to counsel for respondents, Mr. Doyle under separate cover on the same date. Despite having provided Mr. Doyle with said Stipulation, the sending of several emails, and attempts to reach Mr. Doyle via telephone, complainant has not received any contact or communication from Mr. Doyle whatsoever prior to his filing of respondents' Status Report.
3. With regard to Mr. Doyle's curious reference to "other lawsuits and proceedings" to which he professes to have no knowledge of, recent communications belie such representation, and are strongly indicative of collusion between Mr. Doyle and respondent, Hitrinov's former counsel, Jon Werner, Esq., who is upon information and belief presently orchestrating Mr. Doyle's activities at the behest of their joint client, Hitrinov.
4. Mr. Doyle incorrectly characterizes the Stipulation sent to him as a "joint" Stipulation; in point of fact, the document was prepared by complainant's counsel. It is further noted that while Mr. Doyle decries the absence of any explanation as to "...why a joint stipulation is necessary", conspicuously absent from Mr. Doyle's status report is a single good faith reason or explanation as to why said appeal should not reasonably be orderly withdrawn pursuant to stipulation and agreement between the parties as proposed by complainant. Alternatively stated,

August 15, 2016
Page 2

respondents have refused to execute said Stipulation absent the providing of any explanation or good faith basis for such unreasonable refusal.

5. Mr. Doyle further mischaracterizes and grossly misrepresents the Initial Decision and Order of the Presiding Officer by disingenuously claiming that execution of the Stipulation would somehow constitute an “amendment” of the Presiding Officer’s Order. As is plainly evident from a reading of said Order, no such “amendment” is stated or implied. Specifically, it is noted that where complainant has included language that the withdrawal of said appeal shall be “...with prejudice, and without costs, attorneys' fees or disbursements to either party as against each other”, the Presiding Officer’s Order merely states that “...Empire *may* be awarded reasonable attorneys’ fees...”. Consequently, no such “amendment” is created or even implied through or by respondents’ execution of the Stipulation.

6. It is clear that through the direction and orchestration of respondent Hitrinov and his former counsel, Mr. Werner, respondents are blatantly seeking to “have their cake and eat it too”, and have had their ongoing collusion exposed to its ultimate purpose, to wit, to continue this litigation beyond a final resolution of the case.

7. Upon Mr. Doyle having finally and recently “broken his silence” five (5) days *after* he was served with said Stipulation, and as it became clear that Mr. Doyle was unreasonably withholding consent to execute the Stipulation, complainant’s counsel filed a motion presently pending before the Commission, seeking an Order discontinuing the instant matter with prejudice, and without costs, attorneys' fees or disbursements to either party as against each other, which became unavoidable upon respondents’ unreasonable refusal to stipulate to the withdrawal of this action.

8. Complainant further wishes to register their vehement objection to the Commission of the continuing interference, unauthorized intervention, and generally obstructive practices of non-appearing attorney, Mr. Werner who has apparently taken it upon himself to intervene in this matter absent any leave of the Commission to do so, both under his own name and through obvious ‘ghost writing’ of numerous documents under the names of other parties and individuals. Accordingly, complainant now respectfully asks the Commission to *reject* any further communications or filings from Mr. Werner, absent the obtaining of leave from the Commission inclusive of a properly noticed, filed, served and ruled upon Motion to Intervene.

9. In closing, we note that despite the fact that the aforementioned Mr. Werner *does not* represent a party in this action; has *no* interest in the outcome of same (other than a personal vendetta against the undersigned), and has *not* appeared in this matter, Mr. Doyle revealingly saw fit to copy Mr. Werner with his status report. Complainant will respectfully defer to the Commission to make such conclusions as the Commission may deem reasonable from this obvious and demonstrated collusion between respondent Hitrinov’s past and present counsel.

Re: *Baltic Auto Shipping Inc. v. Michael Hitrinov et al.*
FMC Docket No.: 14-16

August 15, 2016
Page 3

The foregoing constitutes a true and accurate representation as to the present status of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", written in a cursive style.

Marcus A. Nussbaum, Esq.

cc: Gerard S. Doyle, Jr., Esq.
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(Via Email to gdoyle@doylelaw.net and First Class Mail)