

S	E	R	V	E	D
April 27, 2015					
FEDERAL MARITIME COMMISSION					

FEDERAL MARITIME COMMISSION

DOCKET NO. 14-16

BALTIC AUTO SHIPPING, INC.

v.

**MICHAEL HITRINOV a/k/a MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC.**

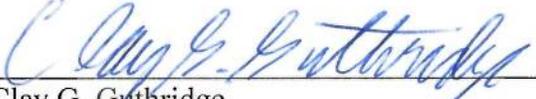
ORDER TO APPEAR FOR ARGUMENT

On March 23, 2015, respondents Empire United Lines Co., Inc. and Michael Hitrinov a/k/a Michael Khitrinov (Empire) filed a motion for partial summary disposition arguing: (1) Complainant's claim is barred by the statute of limitations; and (2) Complainant's claim is barred by a settlement agreement and release resolving an earlier case between the parties in the federal district court in New Jersey. On April 21, 2015, with Empire's agreement, I granted the motion of complainant Baltic Auto Shipping Inc. (Baltic) to extend to April 27, 2015, the time for Baltic to respond to the Motion for Partial Summary Disposition filed by Empire. *Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc.*, FMC No. 14-16 (ALJ Feb. 24, 2015) (April 21, 2015, Order Granting Motion for Extension and Amending Briefing Schedule). On April 24, 2015, Baltic filed a second motion, this time seeking extension to May 28, 2015, sixty-seven days after Empire filed its motion. *See* 46 C.F.R. § 502.70(b) (response to dispositive motion must be filed within fifteen days of service of the motion). Baltic contends that extension is necessary to obtain third-party responses to a subpoena "for documents upon which complainant intends to rely upon in opposition to respondents' motion for partial summary decision." (Second Motion for Extension at 1). "[T]hese documents will be used as part of complainant's brief in opposition." (Second Motion for Extension at 3).

On April 24, 2015, Empire filed an opposition to the motion for extension raising four main points. Point two of the opposition contends: "The Complainant's Motion should be denied for not explaining why the information it is trying to obtain by subpoena is at all relevant to either the

Statute of Limitations defense or the Settlement and Release defense.” (Baltic Opposition at 2.) On April 27, 2015, Baltic filed a reply to the opposition. Commission rules do not permit a reply to an opposition to a non-dispositive motion. 46 C.F.R. § 502.71(c).

The parties are ordered to consult forthwith and notify the Office of Administrative Law Judges of a time on Tuesday, April 28, 2015, between 10:00 AM and 11:30 AM EDT or between 2:00 PM and 4:00 PM EDT when the parties are able to appear for a telephone argument on Point 2 of Baltic’s opposition to the motion for extension of time. The conference will be recorded by audio, but no transcript will be made of the recording. The parties will be supplied with electronic copies of the recording.



Clay G. Guthridge
Chief Administrative Law Judge