



The following has transpired:

2/5/2015: Status conference call; Complainant requests "a few documents".

2/9: Complainant identifies 600+/- containers and wants 4 items of information about each.

2/13: Respondent finds that some shipments (21) are not the Complainant's; requests support for Complainant's position that they are. Complainant does not produce any evidence.

2/18: Parties submit status reports; Respondent reports that 21 shipments are not Complainant's; balance of containers were identified in the 2011 DNJ lawsuit.

2/18: Complainant again asks for the shipping documents for the 21 shipments; Respondent advises that it would be Shipping Act violation.

2/23: Status conference; Respondent sends ALJ Guthridge the shipping documents, corporate filings and correspondence with respect to the identity of the shipper of the 21 containers; sends non-confidential correspondence to Complainant.

2/24: ALJ Guthridge issues briefing schedule (Motion due 3/16) and orders Respondent to supply Commission with the information about the 21 shipments (already sent per 2/23 conference); and orders Respondent to comply with Complainant's document requests for the "C", "D" and "E" shipments.

2/25: Receive recording of conference (2/23); ALJ Guthridge request brief call for 2/26.

2/26: Brief conference call re: attorneys fees to prevailing party.

2/27: Respondent requests documents from Complainant to be used for the Motion to Dismiss –

including the email receipt of MSC's Telex Releases. These are the only documents Respondents have ever requested.

3/2: As ordered, Respondent provides shipping documents requested by Complainant for its Exhibits "C", "D" and "E" – including MSC bills of lading endorsed "on board" with on board dates, statements of the freight charges due, and explains that there are no House Bills of Lading as it was not Claimant's practice to request such as they insisted on "Express Releases"; Respondent advises that it is not supplying Telex Releases because they have already been provided to Complainant in the regular course of business; Respondent repeats its request for documents in order to meet the Motion date and ask for them to be provided by 3/6 so that Briefing Schedule can be met; repeats its request for confirmation.

3/4: Complainant denies it has Telex Releases; Respondent again requests confirmation that it will receive requested documents by 3/6.

3/4: In response to Complainant's denial that it has the Telex Releases, Respondent provides 5 examples of them being sent to Complainant, and renews its request for Complainant's receipt of such emails; again requests confirmation that it will receive requested documents from Complainant by 3/6.

3/4: Complainant denies bad faith and again alleges no receipt of the Telex releases; says that the "Audit" will be received by close of business" 3/6; questions the "basis" for Respondents' request for documents; which Respondent takes as a refusal to produce the documents.

3/6: Counsel for Respondent attempts to request procedure for scheduling a conference call, but reaches ALJ Guthridge, and goes no further.

Conclusion: Respondents' seek an order instructing the Complainants to comply with their request for Complainant's documents (attached); and a delay in the briefing schedule until such documents are produced.

Respectfully submitted,

By:



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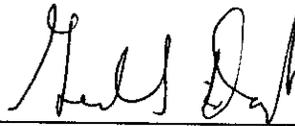
**Michael Khitrinov, and**

**Empire United Lines, Co., Inc.**

Dated in Short Hills, NJ this tenth day of March 2015.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the RESPONDENTS' MOTION FOR A MORE DEFINITE STATEMENT upon Complainant's counsel, Marcus A. Nussbaum, Esq., with the address of P.O. Box 245599, Brooklyn, NY 11224 by first class mail, postage prepaid, and by fax (347-572-0439), and by email ([marcus.nussbaum@gmail.com](mailto:marcus.nussbaum@gmail.com)).



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Dated in Short Hills, NJ this tenth day of March 2015