

# The Law Office of Doyle & Doyle

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Eleanor J. Doyle  
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January 21, 2015

Via email: [secretary@finc.gov](mailto:secretary@finc.gov)

Federal Maritime Commission  
800 North Capitol Street, N.W  
Washington, D.C. 20573

Att: Office of the Secretary

RE: Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov, Empire  
United Lines Co., Inc.  
Docket No: 14-16  
Respondents' Request for a Stay of Proceeding on the grounds of parallel  
proceeding

Dear Federal Maritime Commission; Office of the Secretary:

This is email is Respondents' emergent request for a stay of the proceeding (see below)

Attached to this email are:

1. Form of Proposed order
2. 2011 Settlement Agreement and Mutual Release
3. 2011 Order of Dismissal, with Prejudice
4. 2015 Complaint

All of these documents (and this letter) are being simultaneously served on counsel for the Complainant (via mail, email and fax).

The unsuccessful attempts to resolve this matter are set forth in the body of the Motion.

Original and 5 copies are being mailed to the Office of the Secretary

**RESPONDENTS' EMERGENT REQUEST FOR A STAY OF PROCEEDING**

Via email: secretary @fmc.gov

Office of the Secretary  
Federal Maritime Commission

RE: Docket 14-16  
Baltic Auto Shipping, Inc. v. Michael Hitrinov et al.  
Request for a Stay of Proceeding

Dear Office of the Secretary:

I am the attorney for the Respondents in the captioned matter.

This letter re-states the voicemail request that I made earlier today. I have copied counsel for the Complainant on this letter.

This is an emergent request in the nature of a non-dispositive motion.

Counsel have been in discussion with respect to this request, but as you will see below, to no avail

Respondents herein respectfully request a stay of the proceeding now pending before the Federal Maritime Commission until the federal District Court for New Jersey determines whether the instant matter is simply the reiteration of an old, settled matter that had been dismissed with prejudice. It would be in the interest of judicial economy to grant such relief.

As had been raised in Respondents' Motion for a More Definite Statement (Respondents' Brief, pp. 8-9), there is a likelihood that the matters complained of herein have already been resolved in the earlier New Jersey action. (The request for more specific

information was intended to either show that this matter was duplicative, or to prove that it is not.) In both this matter before the Federal Maritime Commission and the District Court the Complaint sought to recover damages for shipments from 2007 to 2011.

The original case in the New Jersey District Court was settled with a Settlement Agreement and Mutual Release (attached), backed up by an Order of Dismissal, with prejudice (attached). There has been no further business between the Complainant and Respondents since that time.

It should be noted that the Settlement Agreement and Mutual Release, by its terms, moots any claims with respect to freight charges that Complainant might have, providing that the release is “from any and all manner of claims ... of any nature whatsoever ... on account of or growing out of shipping charges related to Baltic’s cargo ... from the beginning of time up to the date of this release.” (paragraph 5; 11/29/2011) (emphasis added)

Respondents in this matter, retaining other counsel (also copied on this correspondence), by way of a Motion for a Temporary Restraining Order and Preliminary Injunction have asked the District Court to order the Complainant to withdraw the FMC Complaint on the grounds that is simply the reiteration of the former case (Complaint attached). There was a hearing yesterday, with responsive papers due on Thursday, January 22 (tomorrow).

This requests being made by email because of the very tight time constraints, and the fact that the Respondents have been ordered to file their Answer in the FMC case by Friday, January 23, 2015.

I am available to further discuss this matter.

Respectfully submitted,

  
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Gerard S. Doyle, Jr.

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**Michael Hitrinov, a/k/a**  
**Michael Khitrinov, and**  
**Empire United Lines, Co., Inc.**

Cc: Marcus A. Nussbaum, Esq.,  
Attorney for Complainant  
P.O. Box 245599,  
Brooklyn, NY 11224  
fax (347-572-0439)  
email ([marcus.nussbaum@gmail.com](mailto:marcus.nussbaum@gmail.com))

**CERTIFICATE OF SERVICE**

**I hereby certify that I have this day served the Respondents' request for a stay of proceeding. 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, by fax (347-572-0439) and by email ([marcus.nussbaum@gmail.com](mailto:marcus.nussbaum@gmail.com)); and that the original and five (5) copies are being filed with the Secretary of the Federal Maritime Commission.**



*Gerard S. Doyle, Jr.*

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**Michael Khitrinov, and**  
**Empire United Lines, Co., Inc.**

Dated in Short Hills, NJ. this twenty first day of January, 2015.