

FEDERAL MARITIME COMMISSION

GENERAL MOTORS LLC

Complainant,

v.

NIPPON YUSEN KABUSHIKI
KAISH-A, WALLENIUS
WILHELMSSEN LOGISTICS AS,
AND EUKOR CAR CARRIERS INC.

Respondents.

Docket No. 15-08

Served: August 26, 2016

BY THE COMMISSION: Mario CORDERO *Chairman*;
Rebecca F. DYE, Michael A. KHOURI, William P. DOYLE,
and Daniel B. MAFFEI, *Commissioners*.

Notice of Commission Determination to Review and Order for Further Explanation

On July 29, 2016, the Administrative Law Judge (ALJ) issued an Initial Decision approving a settlement agreement filed by Complainant General Motors LLC (GM) and Respondents Wallenius Wilhelmsen Logistics AS (WWL) and Eukor Car Carriers, Inc. (Eukor). The ALJ also dismissed WWL and Eukor

with prejudice and granted the settling parties' joint motion to seal the settlement agreement.

Pursuant to 46 C.F.R. § 502.227, the Commission gives notice that it has determined to review the Initial Decision because it is unclear whether the settlement agreement includes Eukor. Under 46 C.F.R. § 502.72(a)(3), settling parties must submit their settlement agreements for Commission review. Here, the settling parties represented that GM settled with WWL and Eukor. But the settlement agreement does not on its face mention Eukor. The Commission therefore **ORDERS** the settling parties by September 6, 2016, either to explain how the settlement agreement includes Eukor or to submit a revised or supplemental settlement agreement that expressly includes Eukor.¹

By the Commission.

Karen V. Gregory
Secretary

¹ The Commission's review of the Initial Decision is limited to obtaining clarification regarding Eukor. The Commission agrees with the ALJ that the GM-WWL settlement agreement does not appear to violate any law or policy and that there is no evidence of fraud, duress, undue influence, mistake, or other defects which might make it unapprovable. The Commission also agrees that the settlement agreement is confidential.