

**BEFORE THE
FEDERAL MARITIME COMMISSION**

Docket No.: 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

Complainants,

– vs. –

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

Respondents.

**APPENDIX TO COMPLAINANTS' BRIEF IN REPLY TO THE RESPONDENTS'
RESPONSE TO THE COMMISSION'S NOTICE OF DEFAULT AND
ORDER TO SHOW CAUSE**

Complainants, through their Counsel, Marcus A. Nussbaum, Esq., respectfully submit this Appendix to their brief in Reply to the response (the "Response") by Respondents, Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc. ("Empire") to the Federal Maritime Commission's (the "Commission"), Notice of Default and Order to Show Cause dated March 30, 2016 (the "Notice of Default").

Appendix "1" -- Correspondence from United States Postal Service

Appendix "2" -- Affidavit of Non-Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **APPENDIX TO COMPLAINANTS' BRIEF IN REPLY TO THE RESPONDENTS' RESPONSE TO THE COMMISSION'S NOTICE OF DEFAULT AND ORDER TO SHOW CAUSE** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by first class mail, postage prepaid, and by email (ejeffrey@nixonpeabody.com).



Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Fax: 347-572-0439
Attorney for Complainant
marcus.nussbaum@gmail.com

Dated: May 18, 2016 in Brooklyn, New York.

APPENDIX “1”

MARCUS A. NUSSBAUM, ESQ.

Mail Drop: P.O. Box 245599, Brooklyn, NY 11224

Tel: 888-426-4370 | **Fax:** 347-572-0439

Email: marcus.nussbaum@gmail.com

Web: www.nussbaumlawfirm.com

December 23, 2015

Via Facsimile to 650-578-4956

USPS FOIA REQUESTER SERVICE CENTER-FIELD
ST. LOUIS GENERAL LAW SERVICE CENTER
1720 MARKET STREET RM 2400
ST LOUIS, MO 63155-9948

**Re: REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER
INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS**

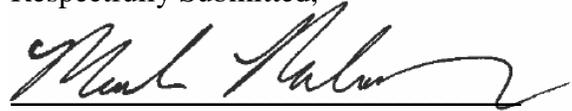
Matter: Igor Ovchinnikov, *et al.*, v. Michael Hitrinov a/k/a Michael Khitrinov, *et al.*
Federal Maritime Commission Docket No.: 15-11

Dear Sir or Madam:

I am the attorney for the Complainant in the above referenced matter. Attached please find a request for boxholder information needed for service of legal process.

I thank you for your continued courtesy and consideration.

Respectfully Submitted,



Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Fax: 347-572-0439
Attorney for Complainants
marcus.nussbaum@gmail.com

The Postal Service does not have a database with the current address of all of its customers. It doesn't need that information since it delivers to addresses, rather than to individuals. However, if a customer moves and files a change of address order, that information is kept at the post office serving the last known address. The disclosure of customer name and address information is contained at section 265.6(d) of our regulations (39 CFR 265), which can be accessed from the FOIA home page. Change of address information about individuals or families is available only to government agency requesters, to persons needing the information to serve legal process who meet certain requirements, or pursuant to a court order.

The Postal Service suggests the following format to be used in conjunction with regulations at 39 CFR 265.6(d)(4)(ii) by persons empowered by law to serve legal process when requesting change of address or boxholder information.

The request should be forwarded to the Postmaster of the last known address.

Postmaster	Date <u>12/23/2015</u>
<u>Brooklyn, NY 11209</u>	
City, State, ZIP Code	
REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS	
Please furnish the new address or the name and street address (if a boxholder) for the following:	
Name: <u>EMPIRE UNITED LINES CO., INC.</u>	
Address: <u>2303 CONEY ISLAND AVENUE, Brooklyn, NY 11223</u>	
Note: Only one request may be made per completed form. The name and last known address are required for change of address information. The name, if known and Post Office box address are required for boxholder information. The following information is provided in accordance with 39 CFR 265.6(d)(4)(ii). There is no fee charged for change of address or boxholder information.	
1. Capacity of requester (process server, attorney, party representing self): <u>Attorney</u>	
2. Statute or regulation that empowers me to serve process (not required for attorney's or a party acting pro se—except a corporation acting pro se must cite statute: <u>N/A</u>	
3. The names of all known parties to the litigation: <u>Igor Ovchinnikov, Irina Rzaeva, Denis Nekipelov, Michael Hitrinov and Empire United Lines Co, Inc.</u>	
4. The court in which the case has been or will be heard: <u>Federal Maritime Commission, Washington DC</u>	
5. The docket or other identifying number if one has been issued: <u>15-11</u>	
6. The capacity in which this individual is to be served (defendant or witness) <u>defendant</u>	
WARNING: THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).	
I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in conjunction with actual or prospective litigation.	
 _____ Signature	<u>P.O. Box 245599</u> _____ Address
<u>Marcus A. Nussbaum, Esq.</u> _____ Printed Name	<u>Brooklyn, NY 11224</u> _____ City, State, ZIP Code
FOR POST OFFICE USE ONLY	
<input type="checkbox"/> No change of address on file	New Address or Boxholder Name and Street Address
<input type="checkbox"/> Moved and left no forwarding address	_____
<input type="checkbox"/> No such address	_____

ST. LOUIS REQUESTER SERVICE CENTER



December 23, 2015

Marcus Nussbaum
Attorney
P.O. Box 245599
Brooklyn, NY 11224

RE: File No. 2016-ADD-00022

Dear Mr. Nussbaum:

This responds to your request of December 23, 2015 in which you seek change of address or boxholder information for the purpose of serving legal process for Empire United Lines Co., Inc. Your request was received by this office on December 23, 2015 and assigned file number 2016-ADD-00022.

Based on the information provided by you, the agency official having jurisdiction over the subject matter of your request is the Postmaster of the Gravesend Station, Brooklyn, NY 11223-9997. I have forwarded your request to that office for action. You will receive a response directly from that office.

In the future, please direct all process server requests for address-related information to the Postmaster of the post office serving the last known address. To assist you with obtaining that information, you may visit our web site at www.usps.com (click on the "Locate a Post Office" link), call our toll-free line at 1-800-ASK-USPS (1-800-275-8777), or contact your local post office.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Rahe".

Brenda Rahe
Records Request Specialist

cc: Postmaster

ST. LOUIS REQUESTER SERVICE CENTER



December 23, 2015

Postmaster/Manager
Gravesend Station
United States Postal Service
244 Avenue U
Brooklyn, NY 11223-9997

SUBJECT: File No. 2016-ADD-00022

The attached request for address information is forwarded to your office for handling and direct response.

If you have any questions regarding the attached, please contact me at (314) 345-5849 for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Brenda G. Rahe".

Brenda Rahe
Records Request Specialist

Attachment

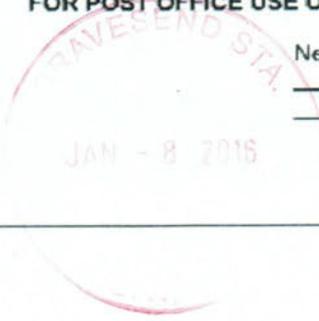
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1. Capacity of requester (process server, attorney, party representing self): <u>Attorney</u> 2. Statute or regulation that empowers me to serve process (not required for attorney's or a party acting pro se—except a corporation acting pro se must cite statute: <u>N/A</u> 3. The names of all known parties to the litigation: <u>Igor Ovchinnikov, Irina Rzaeva, Denis Nekipelov, Michael Hitrinov and Empire United Lines Co, Inc.</u> 4. The court in which the case has been or will be heard: <u>Federal Maritime Commission, Washington DC</u> 5. The docket or other identifying number if one has been issued: <u>15-11</u> 6. The capacity in which this individual is to be served (defendant or witness) <u>defendant</u>	
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I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in conjunction with actual or prospective litigation.	
<u><i>Marcus A. Nussbaum</i></u> Signature <u>Marcus A. Nussbaum, Esq.</u> Printed Name	<u>P.O. Box 245599</u> Address <u>Brooklyn, NY 11224</u> City, State, ZIP Code
FOR POST OFFICE USE ONLY	
<input checked="" type="checkbox"/> No change of address on file <input type="checkbox"/> Moved and left no forwarding address <input type="checkbox"/> No such address	New Address or Boxholder Name and Street Address <hr/> <hr/>

Handwritten notes: 12/23/15, circled '2'



MARCUS A. NUSSBAUM, ESQ.**Mail Drop:** P.O. Box 245599, Brooklyn, NY 11224**Tel:** 888-426-4370 | **Fax:** 347-572-0439**Email:** marcus.nussbaum@gmail.com**Web:** www.nussbaumlawfirm.com

December 23, 2015

Via Facsimile to 650-578-4956

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**Matter: Igor Ovchinnikov, et al, v. Michael Hitrinov a/k/a Michael Khitrinov, et al.
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Respectfully Submitted,



Marcus A. Nussbaum, Esq.

P.O. Box 245599

Brooklyn, NY 11224

Tel: 888-426-4370

Fax: 347-572-0439

Attorney for Complainants

marcus.nussbaum@gmail.com

APPENDIX “2”

AFFIDAVIT OF NON-SERVICE

State of

County of

Court

Case Number: 15-11

Complainants:

IGOR OVCHINNIKOV, IRINA RZAEVA and DENIS NEKIPELOV

vs.

Respondents:

MICHAEL HITRINOV a/k/a MICHAEL KHITRINOV, EMPIRE UNITED LINES CO., INC. and CARCONT, LTD.



DCS2015007794

For:

Marcus Nussbaum
P.O. Box 245599
Brooklyn, NY 11224

Received by Delta Court Service on the 7th day of December, 2015 at 11:05 am to be served on **EMPIRE UNITED LINES CO., INC., 2303 CONEY ISLAND AVENUE, BROOKLYN, NY 11223.**

I, JAVON CUMMINGS, PROCESS SERVER, being duly sworn, depose and say that on the **21st day of December, 2015** at **3:48 pm**, I:

NON-SERVED the **NOTICE OF FILING & VERIFIED COMPLAINT** for the reason that I failed to find **EMPIRE UNITED LINES CO., INC.** or any information to allow further search. Read the comments below for further details.

Additional Information pertaining to this Service:

12/21/2015 3:48 pm Attempted Service. - Process server knocked on the door and a woman came down stairs and advised him and lied about Empire not being there. She directed him to go to the building next door which also had the address of 2303 and then proceeded to lock him out of the office. He went to that door and knocked and no one answered. The process server subsequently confirmed with the mailman after he was sent to the next door/building that he had in fact been at the correct location the first time, and that subsequent to that, Empire refused to answer the door when he went back and knocked on the first door he went to.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

State of New York, County of Queens ss:
Subscribed and Sworn to before me on the 22nd day
of December, 2015 by the affiant who is
personally known to me.

NOTARY PUBLIC

JOHN A. MASTROSIMONE
Notary Public, State of New York
No. 01MAG220696
Qualified in Suffolk County
Commission Expires April 19, 2018

JAVON CUMMINGS, PROCESS SERVER
License# 2010944

Delta Court Service
87-67 148th Street
2nd floor
Jamaica, NY 11435
(718) 739-3020

Our Job Serial Number: DCS-2015007794

