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March 30, 2016					
FEDERAL	MARITIME	COMMISSION			

**FEDERAL MARITIME COMMISSION**

**WASHINGTON, D.C.**

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**DOCKET NO. 15-11**

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**IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV**

**v.**

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

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**NOTICE OF DEFAULT AND ORDER TO SHOW CAUSE**

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On November 12, 2015, complainants Igor Ovchinnikov, Irina Rzaeva, and Denis Nekipelov commenced this proceeding by filing a Verified Complaint with the Secretary. Respondent Empire United Lines (Empire) is licensed by the Commission as a non-vessel-operating common carrier (NVOCC). Respondent Michael Hitrinov a/k/a Michael Khitrinov is Empire's sole principal and officer. *Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc.*, FMC No. 14-16 (Sept. 15, 2015) (Initial Decision on Respondents' Motion for Partial Summary Decision), exceptions filed, Jan. 15, 2016. The Complaint alleges that Hitrinov owns CarCont, Ltd. (CarCont), a company located in Kotka, Finland, and is "the Chairperson of the Board of CarCont, with signatory authority and direct control over respondent CarCont." (Complaint ¶¶ II.9-11.)

The Complaint alleges that Respondents violated 46 U.S.C. §§ 40301, 40302, 40501, 40701, 41102, 41104, and 41106 of the Shipping Act and Federal Maritime Commission (FMC or Commission) regulations at 46 C.F.R. Part 515, and that Ovchinikov has suffered direct damages in excess of \$28,960.00, that Rzaeva has suffered direct damages in the excess of \$32,101.00, and that Nekipelov has suffered direct damages in excess of \$19,920.00. Complainants further allege that the full extent of their damages can only be determined after discovery has been conducted and interest due to them and the cost of their legal fees calculated. (Complaint at 15-16.)

## HITRINOV AND EMPIRE

On November 18, 2015, the Secretary Issued a Notice of Filing of Complaint and sent the Notice and the Complaint by United Parcel Service (UPS) to Hitrinov and Empire at the address identified in the Complaint as Empire's principal place of business: 2303 Coney Island Avenue, Brooklyn, NY 11223. I take official notice of Commission records indicating that 2303 Coney Island Avenue, Brooklyn, NY 11223, is Empire's address on file with the Commission's Bureau of Certification and Licensing. See <http://www2.fmc.gov/oti/NVOCC.aspx> (last visited March 25, 2016). I also take official notice of the Answer filed by Hitrinov and Empire in FMC Docket No. 14-16 stating that their address is 2303 Coney Island Avenue, Brooklyn, NY 11222. *Baltic Auto Shipping, Inc. v. Michael Hitrinov a/k/a Michael Khitrinov and Empire United Lines Co., Inc.*, FMC No. 14-16 (Jan. 21, 2015) (Answer). The USPS web site states that 11223 is the correct zip code for this address. See <https://tools.usps.com/go/ZipLookupResultsAction!input.action?resultMode=1&companyName=&address1=2303+Coney+Island+Avenue&address2=&city=Brooklyn&state=NY&urbanCode=&postalCode=&zip=>.

UPS returned both envelopes sent by the Commission for the following reason: "The receiver did not want the product and refused delivery." The Commission also published the Notice of Filing of Complaint and Assignment in the Federal Register. *Igor Ovchinnikov, Irina Rzaeva, and Denis Nekipelov v. Michael Hitrinov a/k/a Michael Khitrinov, Empire United Lines Co., Inc., and CarCont, Ltd., Notice of Filing of Complaint and Assignment*, 80 Fed. Reg. 73186 (Nov. 24, 2015). Complainants engaged special process servers to serve the Complaint on Hitrinov and Empire. (Complainants' Motion for a Default Judgment Against Defendants Exh. D (Hitrinov served December 4, 2015); Exh. F (Empire served December 29, 2015).) See 46 C.F.R. § 502.113(b) (permitting complainant to effect proper service). Therefore, it appears that Hitrinov and Empire have notice of this proceeding and an opportunity to be heard on Complainants' allegations. Hitrinov and Empire have not answered or otherwise responded to the Complaint.

On February 14, 2016, Complainants filed a motion for decision on default against Hitrinov and Empire. Complainants served the motion by mailing it first class to Hitrinov and Empire at 2303 Coney Island Avenue, Brooklyn, NY 11223, and to CarCont in Kotka, Finland. (Complainants' Motion for a Default Judgment against Respondents, Certificate of Service.) Respondents have not responded to the motion for decision on default.

Respondents Hitrinov and Empire are currently in default. There may be some valid reason why they have failed to respond to the Complaint or the motion for default. Therefore, they will be granted additional time to respond to the Complaint and to show cause why judgment should not be entered against them. If Hitrinov and Empire fail to respond to this Order by April 14, 2016, an initial decision on default may be entered against them in the amount of \$80,981.00 plus interest, attorney fees, and other damages as appropriate.

In their answer filed in Docket No. 14-16, Hitrinov and Empire stated that their email address is michael@eulines.com. *Baltic v. Hitrinov and Empire, Inc.*, FMC No. 14-16 (Jan. 21, 2015) (Answer and Counterclaim of Respondents Michael Hitrinov and Empire United Lines Co., Inc.) (filed). In addition to other methods of providing notice, the Office of Administrative Law Judges will send a PDF copy of this Notice of Default and Order to Show Cause to Hitrinov and Empire at their email address.

### CARCONT

On November 18, 2015, the Secretary sent the Complaint and Notice by FedEx to CarCont at the address identified in the Complaint as CarCont's principal place of business: Merituulentie 424, 48310, Kotka, Finland. FedEx was unable to deliver to CarCont and subsequently returned the Complaint and Notice to the Commission.

Complainants do not ask for default against CarCont. Furthermore, it does not seem that the record would support a finding that CarCont has notice of this proceeding. Complainants may choose to serve the Complaint on CarCont pursuant to Commission Rule 502.113(c) as they did with Hitrinov and Empire. If Complainants do so, "an affidavit setting forth the method, time and place of service must be filed with the Secretary within five days following service." 46 C.F.R. § 502.113(c) (2015). Otherwise, Commission Rules provide that "[t]he presiding officer may dismiss a complaint that has not been served within thirty (30) days after the complaint was filed." 46 C.F.R. § 502.113(d). Complainants should advise the Commission of their intention regarding CarCont.

### ORDER

For the reasons stated above, it is hereby

**ORDERED** that on or before April 14, 2016, respondents Hitrinov and Empire serve and file their answer or answers to the Verified Complaint. It is

**FURTHER ORDERED** that on or before April 14, 2016, respondents Hitrinov and Empire show cause why an initial decision on default should not be entered against them.



Clay G. Guthridge  
Administrative Law Judge