

S	E	R	V	E	D
April 22, 2016					
FEDERAL MARITIME COMMISSION					

**FEDERAL MARITIME COMMISSION**

---

**DOCKET NO. 15-11**

---

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

**v.**

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

---

**ORDER ENLARGING TIME TO RESPOND TO MOTION FOR STAY**

---

On April 13, 2016, the undersigned Administrative Law Judge entered an order granting in part and denying in part a motion filed by respondents Empire United Lines (Empire) and Michael Hitrinov a/k/a Michael Khitrinov (Hitrinov) seeking additional time to respond to the order to show cause issued in this proceeding. *Igor Ovchinnikov, Irina Rzaeva, and Denis Nekipelov v. Michael Hitrinov a/k/a Michael Khitrinov, Empire United Lines Co., Inc., and CarCont, Ltd.*, FMC No. 15-11 (ALJ Apr. 13, 2016) (Order Granting in Part and Denying in Part Motion for Additional Time in Which to Respond). On April 14, 2016, Empire and Hitrinov filed a motion to stay this proceeding pending resolution of an action pending in the United States District Court for the District of New Jersey. On April 22, 2016, counsel for Complainants responded to an email inquiry from this Office asking if he intended to file an opposition to the motion to stay. Counsel stated that it was his understanding that the April 13, 2016, Order gave him until May 16, 2016, to respond. (Email dated April 22, 2016, from counsel for Complainants to judges@fmc.gov.) Counsel for Empire and Hitrinov responded to that email with one of his own contending that counsel for Complainants had made an argument regarding the effect of the April 13 Order with which he disagreed and argued that the Order was not intended to enlarge the time for Complainants to respond to a motion for stay. (Email dated April 22, 2016, from counsel for Empire and Hitrinov to judges@fmc.gov.) The Secretary will be given a copy of this email thread. The undersigned asks that it be docketed as part of the record.

While the undersigned notes some ambiguity in the April 13, 2016, Order, the intention in establishing May 16, 2016, as the date for Complainants to respond was based on the expectation

that Empire and Hitrinov would file their answer, a response to the order to show cause, a motion for judgment on the pleadings based on any defenses set forth in Federal Rule of Civil Procedure 12(b), and a motion to stay on May 2, 2016, and that setting the same date for Complainants to file any responses to Empire and Hitrinov's filings would simplify Complainants' actions. The undersigned did not intend to grant Complainants more than four weeks to respond solely to a motion to stay filed by Respondents.

Empire and Hitrinov propose April 27, 2016, as the date on which Complainants should file their response to the motion to stay. Because of the schedule of the undersigned, Complainants' response must be filed on or before April 26, 2016.

The parties have already filed hundreds of pages of attachments to the two motions to stay and the one opposition to motion to stay previously filed. Some of the attachments have been copies of documents that are already part of the record. (*See, e.g.*, Complainants' Brief filed April 13, 2016, to which Complainants attached their previously filed motion for default, the Commission's Notice of Filing of Complaint and Assignment, the Complaint, and the Notice of Default and Order to Show Cause issued by the undersigned.) Attaching copies of documents already in the record is wasteful and unnecessary and creates a burden for the Office of the Secretary. The undersigned believes it is highly unlikely that Complainants will need to attach any documents to their response to the motion for stay.

In consideration of the foregoing, it is hereby

**ORDERED** that the time for Complainants to respond to Respondents' Motion to Stay is enlarged to April 26, 2016.



Clay G. Guthridge  
Administrative Law Judge