



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 TO FILE SHIPPING DOCUMENTS

Complainants allege that Respondents transported three vehicles for Complainants: a 2009 GMC Acadia VIN GKLVDNED6AJ138200 purchased by complainant Igor Ovchinnikov and shipped from the United States to Kotka, Finland, on or about December 21, 2012; a 2011 Jeep Compass VIN 1J4NF5FB7BD282296 purchased by complainant Irina Rzaeva and shipped from the United States to Kotka, Finland, on or about November 15, 2012; and a 2009 Mercedes-Benz C300 VIN WDDGF81X49R073295 purchased by complainant Denis Nekipelov and shipped from the United States to Kotka, Finland, on or about November 15, 2012. In their Motion for Stay filed April 14, 2016, respondents Empire United Lines Co., Inc. (Empire) and Michael Hitrinov a/k/a Michael Khitrinov (Hitrinov) state:

Empire never dealt with individual customers of the Kapustin Global Auto Group; and had no knowledge as to their identity. This was true as a general matter, and is true here. Neither Complainants nor the Group ever requested Empire to release the vehicles in question and, as noted, Empire did not know who the individual customers were until well after the cars were sold.

(Respondents' Motion for Stay at 2-3 (footnotes omitted).)

Commission rules require parties to provide initial disclosures within seven days of the service of a respondent's answer. 46 C.F.R. § 502.201(b). The parties would be required to provide the shipping documents related to the transportation by water of the vehicles in their initial

disclosures. "Except as otherwise provided by law the presiding officer, for good cause, may reduce . . . any time limit prescribed in the rules of this Part." *Amendments to Rules of Practice and Procedure Governing Time and Service in Adjudicatory Proceedings*, 80 Fed. Reg. 57305, 57306 (Sept. 23, 2015) (effective November 30, 2015), to be codified at 46 C.F.R. § 502.105. The rules also state that discovery requests and responses must not be filed with the Commission "until they are used in the proceeding or the Commission or presiding officer orders filing." 46 C.F.R. § 502.2(k).

Based on my review of the record to this point, I find that there is good cause to reduce the time to produce as initial disclosures the shipping documents related to the transportation by water of the vehicles identified in the Complaint and to file them with the Commission at this time because the information in the documents may expedite this proceeding. Therefore, it is hereby

ORDERED that on or before May 4, 2016, Complainants and respondents Empire United Lines Co., Inc., and Michael Hitrinov a/k/a Michael Khitrinov each independently serve and file with the Commission all records relating to the ocean transportation of the 2009 GMC Acadia VIN GKLVD6AJ138200 shipped from the United States on or about December 21, 2012, the 2011 Jeep Compass VIN 1J4NF5FB7BD282296 shipped from the United States on or about November 15, 2012, and the 2009 Mercedes-Benz C300 VIN WDDGF81X49R073295 shipped from the United States on or about November 15, 2012, including, but not limited to, quotes of freight rates for transportation, shipping agreements, booking confirmations, bills of lading, dock receipts, invoices, payments for transportation, certificates of title, export and import declarations, notices of arrival, and any other documents relating to the shipment of the vehicles. Complainants are also directed to file documents relating to the purchase of the vehicles.

The parties should attach the documents they are serving and filing to a notice of filing referencing this Order.


Clay G. Guthridge
Administrative Law Judge