

**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.

**COMPLAINANTS' MOTION FOR A DEFAULT JUDGMENT
AGAINST RESPONDENTS**

Complainants IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV, by and through their attorneys, hereby move the Federal Maritime Commission ("Commission") for an Order pursuant to Rules 62, 65, 69, 70, and 71 of the Commission's Rules of Practice and Procedure, 46 C.F.R. §§ 502.62, 502.65, 502.69, 502.70, and 502.71, for a Default Judgment against respondents MICHAEL HITRINOV a/k/a MICHAEL KHITRINOV and EMPIRE UNITED LINES CO., INC. ("Defaulting Respondents"), or in the alternative, that the Commission issue a Notice of Default and Order to Show Cause why an initial decision on default should not be entered against said Defaulting Respondents.

1. Complainants Igor Ovchinnikov, Irina Rzaeva, and Denis Nekipelov filed their Complaint with the Commission on November 12, 2015 seeking reparations of at least \$80,981.00 plus interest, attorneys' fees, and other damages as appropriate.

2. On or about November 18, 2015, the Commission served Defaulting Respondents

with the Complaint and the Notice of Filing of Complaint and Assignment. A copy of the correspondence from the Commission to Complainants' counsel to that effect, as well as the Notice of Filing of Complaint and Assignment indicating service on November 18, 2015 is annexed hereto as **Exhibit "A"**.

3. On November 24, 2015, the Notice of Filing of Complaint and Assignment for this action was published in the Federal Register, a copy of which is annexed hereto as **Exhibit "A-1"**.

4. On December 4, 2015, Ms. Rachel Dickon, Assistant Secretary of the Commission, advised Complainants' counsel, via email, that Defaulting Respondents "Hitrinov and Empire United Lines in Brooklyn, NY *refused delivery* of [the Commission's] initial UPS mailing. Subsequently [the Commission] sent the notice by U.S. mail." See **Exhibit "B"**.

5. On December 4, 2015, the Assistant Secretary also advised Complainants' counsel, via email that Complainant was free to attempt to effect service upon Defaulting Respondents via process server if the Complainants chose to do so. That correspondence was provided to counsel in response to an inquiry as to what steps the Commission takes under circumstances when a licensed NVOCC refuses to accept correspondence from the Commission (the overnight UPS mailing). That correspondence also explained that the Commission would contact Mr. Gerard Doyle, Esq. who represents Defaulting Respondents in an unrelated FMC matter (Docket 14-16) to inquire as to whether or not Mr. Doyle would accept service of the Complaint on behalf of respondents herein. See **Exhibit "C"**.

6. Per the Commission's guidance set forth above, on December 4, 2015 respondent Michael Hitrinov a/k/a Michael Khitrinov was served while he was present at his other attorney's office (Lyons and Flood LLP) , by leaving a copy of the Complaint and the Notice of Filing of

Complaint and Assignment with a clerk at said law office, who was authorized to accept service. See **Exhibit “D”**.

7. On December 28, 2015, the Assistant Secretary advised Complainants’ counsel, via email, that Mr. Doyle was unable to accept service on behalf of the Defaulting Respondents. See **Exhibit “E”**.

8. On December 29, 2015, Complainants served a copy of the Complaint and the Notice of Filing of Complaint and Assignment upon respondent Empire United Lines Co., Inc. at its principal place of business at 2303 Coney Island Avenue, Brooklyn, NY 11223. A copy of the affidavit of service is annexed hereto as **Exhibit “F”**.

9. Commission Rule 62(b), 46 C.F.R. § 502.62(b), provides in pertinent part that "A respondent must file with the Commission an answer to the complaint and must serve the answer on complainant as provided in subpart H of this part within 25 days after the date of service of the complaint by the Commission or the Complainant..." Rule 64(b) further states that "Well pleaded factual allegations in the complaint not answered or addressed will be deemed to be admitted..."

10. More than 25 days have passed since the Complaint was served upon Defaulting Respondents. As of the time of this writing, Defaulting Respondents have wholly and entirely failed to file an answer with the Commission; and failed to serve an answer or response of any kind upon Complainants.

11. On January 8, 2016, Complainant received confirmation in writing from the United States Postal Service that respondent Empire United Lines Co., Inc. is located at 2303 Coney Island Avenue, Brooklyn, NY 11223, which is the address where the Commission served Defaulting Respondents via First Class Mail and via UPS Overnight mail as set forth herein (and is also the address listed on the Commission’s website as the address of record for respondents). A copy of

the written confirmation is annexed hereto as **Exhibit “G”**.

12. In light of the foregoing, it is submitted that Defaulting Respondents Empire and Hitrinov have notice of this action and are actively evading service. It is shocking that the respondents would so brazenly refuse to accept service of correspondence from this Commission (a Federal Regulatory Agency which controls respondents’ license and ability to do business) and respondents’ behavior to date speaks volumes as to respondents’ lack of desire to face accusations regarding their illegal actions and resolve this matter.

13. It is further submitted that service of the complaint by the Commission via first class is sufficient to put the respondents on notice of this matter, further warranting that a default judgment be granted against respondents due to their inexcusable failure to answer, appear, or otherwise respond to the complaint herein. See, e.g. *Shipco Transport Inc. v. Jem Logistics, Inc. et al* (FMC Docket: 12-06, Initial Decision on Default dated March 26, 2013).

14. The Commission's website identifies respondent Empire United Lines Co., Inc. as a non-vessel operating common carrier (NVOCC) licensed under Federal Maritime Commission license number 012052.

15. Complainants hereby submit all matters in controversy, of fact as well as of law, against Defaulting Respondents to the Commission, requesting that the Commission find and adjudicate that all material allegations in the Complaint (annexed hereto as **Exhibit “H”**) - as such matters in controversy involve Defaulting Respondents – are true and correct; that Defaulting Respondents failed to appear in this proceeding; that Defaulting Respondents failed to establish any defense to the Complaint; and that Complainants Petra are entitled to recover reparations and other relief from and against Defaulting Respondents as is hereinafter set out.

16. Complainants respectfully request that the Commission adjudicate, find, and order

that Complainants recover from Defaulting Respondents and said Defaulting Respondents pay to Complainants the amount of at least \$80,981.00 plus interest and attorneys' fees, which is the amount of the following items of loss and damage specified in Section VII of Complainants'

Verified Complaint:

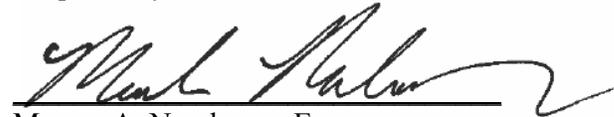
- **Complainant Igor Ovchinnikov:** Direct damages in excess of \$28,960.00 constituting the amounts paid for the purchase of the GMC Acadia referred to in the Verified Complaint plus additional damages for sums arising out of the loan which complainant Ovchinnikov obtained from the bank in Khanty-Mansiysk, Russia, for the purchase of the GMC Acadia, such as interest on the loan and bank fees;
- **Complainant Irina Rzaeva:** Direct damages in excess \$32,101.00 constituting the amounts paid for the purchase of the Jeep Compass referred to in the Verified Complaint and the customs clearance paid for the import of the Jeep Compass, plus additional damages for sums arising out of expenses incurred by complainant incidental to complainant's travel to Kotka, Finland, and for sums arising out of the loan which complainant Rzaeva obtained from the bank in Syktyvkar, Russia, for the purchase of the Jeep Compass, such as interest on the loan and bank fees;
- **Complainant Denis Nekipelov:** Direct damages in excess of \$19,920.00 constituting the amounts paid for the purchase of the Mercedes referred to in the Verified Complaint plus additional consequential damages.

17. In the alternative, Complainants respectfully request that the Commission issue a Notice of Default and Order to Show Cause why a default judgment should not be entered against Defaulting Respondents.

WHEREFORE, Complainants respectfully request that the Commission grant this motion and award damages to Complainants in the amounts described above, or in the alternative, that the Commission issue a Notice of Default and Order to Show Cause why a default judgment should not be entered against Defaulting Respondents.

Dated: February 12, 2016
Brooklyn, NY

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", written over a horizontal line.

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Attorney for Complainants

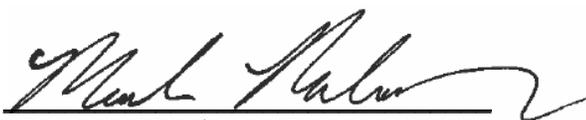
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **COMPLAINANTS' MOTION FOR A DEFAULT JUDGMENT AGAINST RESPONDENTS** upon the following, by first class mail, postage prepaid:

Empire United Lines Co. Inc.
2303 Coney Island Avenue
Brooklyn, NY 11223

Michael Hitrinov
2303 Coney Island Avenue
Brooklyn, NY 11223

CarCont, Ltd.
Merituulentie 424, 48310
Kotka, Finland



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

Dated: February 12, 2016 in Brooklyn, New York.

Exhibit “A”

Marcus A. Nussbaum

From: Magdalene Grant <Mgrant@fmc.gov>
Sent: Wednesday, November 18, 2015 4:19 PM
To: Marcus.nussbaum@gmail.com
Cc: Karen Gregory; Rachel Dickon
Subject: Docket No. 15-11
Attachments: 15-11 transmittal ltr.pdf; 15-11_not_of_filing.pdf

Dear Mr. Nussbaum,

Please find attached a letter of transmittal and a *“Notice of Filing of Complaint and Assignment”* served today, November 18, 2015. A copy of the Notice and complaint was also served on the following Respondents:

Michael Hitrinov aka Michael Khitrnov
Empire United Lines, Co., Inc. – NY
Empire United Lines, Co., Inc. – NJ
CarCont, Ltd.

Hard copies of the attached should be arriving soon. Please feel free to contact us if you have any questions or concerns.

Best regards,

Magdalene Grant
Legal Assistant
Office of the Secretary
Federal Maritime Commission
Washington, DC 20573
TEL: 202-523-5760
FAX: 202-523-0014
mgrant@fmc.gov

(S E R V E D)
(NOVEMBER 18, 2015)
(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.**

NOTICE OF FILING OF COMPLAINT AND ASSIGNMENT

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Igor Ovchinnikov, Irina Rzaeva, and Denis Nekipelov, hereinafter "Complainants," against Michael Hitrinov ("Hitrinov"), Empire United Lines Co., Inc. ("EUL") and CarCont Ltd. ("CarCont"), hereinafter "Respondents." Complainants state that they are individuals residing in the Russian Federation. Complainants allege that Respondent EUL is a New York corporation and a licensed non-vessel-operating common carrier, Respondent CarCont is a company in Finland, and Respondent Hitrinov is the owner of both EUL and CarCont.

Complainants allege that Respondents have violated the Shipping Act, 46 U.S.C. §§ 40301, 40302, 40501, 40701, 41102, 41104, 41106, and the Commission's regulations at 46 C.F.R. Part 515, in connection with shipment of 3 vehicles. Complainants allege that each Complainant purchased a vehicle, which vehicles were shipped to Finland but never released or delivered because of unpaid loans due Respondents by the seller of the vehicles, affiliates G-Auto Sales, Inc. and Effect Auto Sales Inc. Complainant Igor

Ovchinnikov seek damages in excess of \$28,960. Complainant Irina Rzaeva seek damages in excess of \$32,101. Complainant Denis Nekipelov seek damages in excess of \$19,920.

Complainants request that: “(1) Respondents be required to answer the charges herein; (2) that after due hearing, an order be made commanding said Respondent to pay to Complainants by way of reparations for the unlawful conduct . . . with interest and attorney’s fees or such other sum as the Commission may determine to be proper as an award of reparation; (3) that the Commission issue an Order holding that the Respondents . . . violated the Shipping Act of 1984; (4) that the Commission Order the Respondents to provide Empire United Lines Co., Inc.’s house bills of lading for the shipments described herein; and (5) that the Commission issue such other and further order or orders as the Commission determines to be just and proper.”

The full text of the complaint can be found in the Commission’s Electronic Reading Room at www.fmc.gov/15-11.

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by November 17, 2016, and the final decision of the Commission shall be issued by May 16, 2017.

Karen V. Gregory
Secretary

Exhibit “A-1”

any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 24, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email Nicholas_A_Fraser@omb.eop.gov; and to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418-2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <<http://www.reginfo.gov/public/do/PRAMain>>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0349.

Title: Equal Employment Opportunity ("EEO") Policy, 47 CFR Sections 73.2080, 76.73, 76.75, 76.79 and 76.1702.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; not for profit institutions.

Number of Respondents and Responses: 14,179 respondents; 14,179 responses.

Estimated Time per Response: 42 hours.

Frequency of Response:

Recordkeeping requirement; annual reporting requirement; five year reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory

authority which covers this information collection is contained in Section 154(i) and 303 of the Communications Act of 1934, as amended, and Section 634 of the Cable Communications Policy Act of 1984.

Total Annual Burden: 595,518 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality:

There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR Section 73.2080 provides that equal opportunity in employment shall be afforded by all broadcast stations to all qualified persons and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin or sex. Section 73.2080 requires that each broadcast station employment unit with 5 or more full-time employees shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a broadcast station's policy and practice. These same requirements also apply to Satellite Digital Audio Radio Service ("SDARS") licensees.

Revised Information Collection Requirement: In 1997, the Commission determined that SDARS licensees must comply with the Commission's EEO requirements. See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, 12 FCC Rcd 5754, 5791, 91 (1997) ("1997 SDARS Order"), FCC 97-70. In 2008, the Commission clarified that SDARS licensees must comply with the Commission's EEO broadcast rules and policies, including the same recruitment, outreach, public file, Web site posting, record-keeping, reporting, and self-assessment obligations required of broadcast licensees, consistent with 47 CFR 73.2080, as well as any other Commission EEO policies. See Applications for Consent to the Transfer of Control of Licenses, SM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee, 23 FCC Rcd 12348, 12426, 174, and note 551 (2008) ("XM-Sirius Merger Order").

The Commission is making this submission to the Office of Management and Budget for approval to add SDARS licensees to this information collection.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2015-29850 Filed 11-23-15; 8:45 am]

BILLING CODE 6712-01-P

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.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Igor Ovchinnikov, Irina Rzaeva, and Denis Nekipelov, hereinafter "Complainants," against Michael Hitrinov ("Hitrinov"), Empire United Lines Co., Inc. ("EUL") and CarCont Ltd. ("CarCont"), hereinafter "Respondents." Complainants state that they are individuals residing in the Russian Federation. Complainants allege that Respondent EUL is a New York corporation and a licensed non-vessel-operating common carrier, Respondent CarCont is a company in Finland, and Respondent Hitrinov is the owner of both EUL and CarCont.

Complainants allege that Respondents have violated the Shipping Act, 46 U.S.C. 40301, 40302, 40501, 40701, 41102, 41104, 41106, and the Commission's regulations at 46 CFR part 515, in connection with shipment of 3 vehicles. Complainants allege that each Complainant purchased a vehicle, which vehicles were shipped to Finland but never released or delivered because of unpaid loans due Respondents by the seller of the vehicles, affiliates G-Auto Sales, Inc. and Effect Auto Sales Inc. Complainant Igor Ovchinnikov seek damages in excess of \$28,960. Complainant Irina Rzaeva seek damages in excess of \$32,101. Complainant Denis Nekipelov seek damages in excess of \$19,920.

Complainants request that: "(1) Respondents be required to answer the charges herein; (2) that after due hearing, an order be made commanding said Respondent to pay to Complainants by way of reparations for the unlawful conduct . . . with interest and attorney's fees or such other sum as the Commission may determine to be proper as an award of reparation; (3) that the Commission issue an Order holding that the Respondents . . . violated the Shipping Act of 1984; (4) that the Commission Order the Respondents to provide Empire United Lines Co., Inc.'s house bills of lading for the shipments described herein; and (5) that the Commission issue such other and further order or orders as the Commission determines to be just and proper."

The full text of the complaint can be found in the Commission's Electronic Reading Room at www.fmc.gov/15-11.

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by November 17, 2016, and the final decision of the Commission shall be issued by May 16, 2017.

Karen V. Gregory,
Secretary.

[FR Doc. 2015-29856 Filed 11-23-15; 8:45 am]

BILLING CODE 6731-AA-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 9, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Thomas P. Haleas, Clarendon Hills, Illinois, Peter J. Haleas, Evanston, Illinois, Peter E. Haleas Sarasota, Florida, and Sophia M. Haleas, Clarendon Hills, Illinois*, as a group acting in concert; to retain voting shares of Bridgeview Bancorp, Inc., and thereby indirectly retain voting shares of Bridgeview Bank Group, both in Bridgeview, Illinois.

Board of Governors of the Federal Reserve System, November 19, 2015.

Michael J. Lewandowski,
Associate Secretary of the Board.

[FR Doc. 2015-29869 Filed 11-23-15; 8:45 am]

BILLING CODE 6210-01-P

GENERAL SERVICES ADMINISTRATION

[Notice-AD-2015-01; Docket 2015-0002; Sequence 31]

Notice of the 2016 Presidential Transition Directory

AGENCY: Presidential Transition, General Services Administration.

ACTION: Notice of availability of the General Services Administration 2016 Presidential Transition Directory.

SUMMARY: The Presidential Transition Directory Web site is designed to help candidates in the 2016 Presidential election get quick and easy access to key resources about the federal government structure and key policies related to Presidential Transition. The creation of the Presidential Transition Directory is mandated by the Presidential Transition Act of 1963, as amended.

DATES: *Effective:* November 24, 2015.

FOR FURTHER INFORMATION CONTACT: The GSA Presidential Transition Team at presidentialtransition@gsa.gov.

SUPPLEMENTARY INFORMATION: The Presidential Transition Directory (presidentialtransition.usa.gov) Web site is designed to help candidates in the 2016 Presidential election get quick and easy access to key resources about the Federal Government structure and key policies related to Presidential Transition. The creation of the Presidential Transition Directory is mandated by the Presidential Transition Act of 1963, as amended. Connecting resources from the Government Printing Office, Office of Personnel Management, National Archives and Records Administration, U.S. Office of Government Ethics and others, the site will also help future political appointees better understand key aspects of their roles and some of the key policies and aspects of federal service. Additionally, the Directory will be connecting to not-for-profit resources about Presidential Transition to help acquaint potential appointees with the types of problems and challenges that most typically confront new political appointees when they make the transition from prior activities to assuming the responsibility for governance. The site will be continuously updated as new information becomes available to help ensure candidates and their staffs have access to the best information possible as they begin their planning to establish the next management of the Executive Branch of the federal government.

Dated: November 17, 2015.

Mary D. Gibert,

Director, Presidential Transition, U.S. General Services Administration.

[FR Doc. 2015-29920 Filed 11-23-15; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-00XX; Docket No. 2015-0001; Sequence No. 26]

Information Collection; Simplifying Federal Award Reporting

AGENCY: Federal Acquisition Service; General Services Administration (GSA).

ACTION: Notice of request for comments regarding a new request for an OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement regarding OMB Control No: 3090-00XX; Simplifying Federal Award Reporting.

DATES: Submit comments on or before: January 25, 2016.

ADDRESSES: Submit comments identified by Information Collection 3090-00XX; Simplifying Federal Award Reporting by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "Information Collection 3090-00xx; Simplifying Federal Award Reporting". Select the link "Submit a Comment" that corresponds with "Information Collection 3090-00XX; Simplifying Federal Award Reporting". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 3090-00xx; Simplifying Federal Award Reporting" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090-00XX, Simplifying Federal Award Reporting.

Instructions: Please submit comments only and cite Information Collection 3090-00XX; Simplifying Federal Award Reporting, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To

Exhibit “B”

Marcus A. Nussbaum

From: Secretary <secretary@FMC.gov>
Sent: Friday, December 4, 2015 11:21 AM
To: Marcus Nussbaum; Secretary
Cc: Magdalene Grant
Subject: RE: Docket No. 15-11

Mr. Nussbaum,

Thank you for the update and we'll wait to hear from you. I also want to inform you that Mr. Hitronov and Empire United Lines in Brooklyn, NY refused delivery of our initial UPS mailing. Subsequently we sent the notice by U.S. mail.

Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
Ph 202-523-5725

Exhibit “C”

Marcus A. Nussbaum

From: Rachel Dickon <Rdickon@fmc.gov>
Sent: Friday, December 4, 2015 1:45 PM
To: Marcus Nussbaum
Subject: RE: Docket No. 15-11

Dear Mr. Nussbaum,

The Commission's rules indicate that we will serve by mail or express mail and that the Complainant may also affect service. I do intend to contact Mr. Doyle to see if he will accept service.

If your client is successful serving the N.Y. Secretary of State please provide the information mentioned in paragraph (c) below so that we may note it in the record.

Thank you,

Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
Ph 202-523-5725

§502.113 Service of private party complaints.

(a) Complaints filed pursuant to §502.62, amendments to complaints (unless otherwise authorized by the presiding officer pursuant to §502.66(b)), small claims complaints filed pursuant to §502.304, and Complainant's memoranda filed in shortened procedure cases pursuant to §502.182, will be served by the Secretary of the Commission.

(b) The Secretary will serve the complaint using first class mail or express mail service at the Respondent's address provided by the Complainant. If the complaint cannot be delivered, for example if the complaint is returned as undeliverable or not accepted for delivery, the Secretary will notify the Complainant.

(c) *Alternative service by Complainant.* The Complainant may serve the Complaint at any time after it has been filed with the Commission. If Complainant serves the complaint, an affidavit setting forth the method, time and place of service must be filed with the Secretary within five days following service.

(d) The presiding officer may dismiss a complaint that has not been served within thirty (30) days after the complaint was filed. [Rule 113.]

[80 FR 14319, Mar. 19, 2015]

Exhibit “D”



P483907

MARCUS A. NUSSBAUM, ESQ
FEDERAL MARITIME COMMISSION
IGOR OVCHINNIKOV, ETAL

COMPLAINANTS

index No. 15-11
Date Filed
Office No.
Court Date.

- vs -

MICHAEL HITRINOV A/K/A MICHAEL KHITRINOV, ETAL

RESPONDENT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

ZANEKEE POW being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 04TH day of DECEMBER, 2015 3:53PM at

C/O LAW OFFICE OF LYONS & FLOOD LLP 55 BROADWAY , SUITE 1501
NEW YORK NY 10002

I served a true copy of the NOTICE OF FILING OF COMPLAINT AND ASSIGNMENT, VERIFIED COMPLAINT upon MICHAEL HITRINOV A/K/A MICHAEL KHITRINOV the RESPONDENT therein named by delivering to, and leaving personally with SARAH ANWAR, CLERK AUTHORIZED TO ACCEPT a true copy of each thereof.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: FEMALE COLOR: TAN HAIR: BLACK

APP.AGE: 30 APP. HT: 5'6 APP. WT: 140

OTHER IDENTIFYING FEATURES

COMMENTS: I spoke with SARAH ANWAR, CLERK, and inquired whether RESPONDENT MICHAEL HITRINOV A/K/A MICHAEL KHITRINOV was present at the aforesaid location. MS. ANWAR confirmed that RESPONDENT MICHAEL HITRINOV A/K/A MICHAEL KHITRINOV was present at said location but was unavailable at the moment and that she was AUTHORIZED TO ACCEPT service on his behalf. I then served a true copy of the NOTICE OF FILING OF COMPLAINT AND ASSIGNMENT upon MICHAEL HITRINOV A/K/A MICHAEL KHITRINOV the RESPONDENT therein named by delivering to, and leaving personally with SARAH ANWAR, CLERK AUTHORIZED TO ACCEPT a true copy of each thereof.

Sworn to before me this
18TH day of DECEMBER, 2015

LISA M. HAGERMAN
Notary Public, State of New York
No. 01HA4967184
Qualified in NEW YORK
Commission Expires 08/02/2018

ZANEKEE POW DCA LIC #2025377
inSync Litigation Support, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 7-MAN-483907

2a

Exhibit “E”

Marcus A. Nussbaum

From: Rachel Dickon <Rdickon@fmc.gov>
Sent: Monday, December 28, 2015 10:29 AM
To: Marcus Nussbaum; Secretary
Cc: Magdalene Grant
Subject: RE: Docket No. 15-11

Mr. Nussbaum,

I can confirm that I contacted Mr. Doyle by email to ask if he was able to accept service for Mr. Hitrinov and Empire United Lines in this matter. Mr. Doyle wrote back and said he was unable to accept service as he was not representing the parties in Docket No. 15-11.

Thank you,

Rachel

*Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
Ph 202-523-5725*

From: Marcus Nussbaum [mailto:marcus.nussbaum@gmail.com]
Sent: Thursday, December 24, 2015 12:19 PM
To: Secretary <secretary@FMC.gov>
Cc: Magdalene Grant <Mgrant@fmc.gov>; Rachel Dickon <Rdickon@fmc.gov>
Subject: Re: Docket No. 15-11

Ms. Gregory,

Thank you for the response, and happy holidays. I'll circle back to Ms. Dickon upon her return next week.

Respectfully,

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Fax: 347-572-0439
<http://www.nussbaumlawfirm.com/>

Exhibit “F”

AFFIDAVIT OF 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.

For:

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



DCS2015007794

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, Magdi Malaty, being duly sworn, depose and say that on the **29th day of December, 2015 at 9:36 am, I:**

Served a **SUITABLE AGE PERSON** by delivering a true copy of the **NOTICE OF FILING & VERIFIED COMPLAINT** with **JANE DOE EMPLOYEE** at **2303 CONEY ISLAND AVENUE, BROOKLYN, NY 11223.**

Additional Information pertaining to this Service:

12/29/2015 9:36 am The process server inquired from the individual accepting service if this is the office of Empire United Lines Co. Inc. and the individual answered in the affirmative.

The process server inquired from the individual accepting service if Vlada German, Yuliya Mikhailkevich, and Alex Krapivin work at this location and the individual answered in the affirmative.

The process server inquired from the individual accepting service if they would accept service and the individual answered in the affirmative.

Description of Person Served: Age: 38, Sex: F, Race/Skin Color: WHITE, Height: 5'6", Weight: 140, Hair: BROWN, Glasses: N

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 31st 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. 01MA6220696

Qualified in Suffolk County Copyright © 1992-2015 Database Services, Inc. - Process Server's Toolbox V7.1b

Commission Expires April 19, 2018

Magdi Malaty
license# 1210999

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

Our Job Serial Number: DCS-2015007794



Exhibit “G”

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.	
<u></u>	P.O. Box 245599
Signature	Address
<u>Marcus A. Nussbaum, Esq.</u>	<u>Brooklyn, NY 11224</u>
Printed Name	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/>

RTZ
12/18/15
2

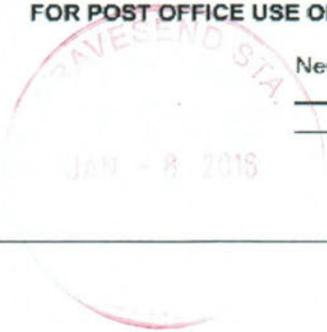


Exhibit “H”



**ORIGINAL
RECEIVED**

**BEFORE THE
FEDERAL MARITIME COMMISSION**

2015 NOV 12 PM 3: 01

OFFICE OF THE SECRETARY
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.

VERIFIED COMPLAINT

Complainants Igor Ovchinnikov, Irina Rzaeva, and Denis Nekipelov ("Complainants") by their undersigned attorneys, Marcus A. Nussbaum, Esq. and Seth M. Katz, Esq., file this Complaint against the respondents herein, alleging violations of the Shipping act of 1984, 46 U.S.C. §40101, et. Seq. (the "Shipping Act") as follows:

I. Complainant

1. Complainant Igor Ovchinnikov is an individual residing at 22 Obskaya Street, Khanty-Mansiysk, in the Russian Federation.
2. Complainant Irina Rzaeva is an individual residing at 18 Sorvacheva Street, Syktyvkar, in the Russian Federation.
3. Complainant Denis Nekipelov is an individual residing at 45-1-183 Prospect Nastavnikov, St. Petersburg, in the Russian Federation.

II. Respondents

4. Respondent Michael Hitrinov a/k/a Michael Khitrinov ("Hitrinov") is an adult individual and is a resident of the State of New York who maintains a principal place of business at 2303 Coney Island Avenue, Brooklyn, NY 11223.

5. Hitrinov is a "person" pursuant to the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 ("Shipping Act").

6. Hitrinov is also an owner of respondent and shipping company Empire United Lines Co., Inc.

7. Respondent Empire United Lines Co., Inc. ("EUL") is a closely held corporation organized and existing under the laws of the State of New York with a principal place of business at 2303 Coney Island Avenue, Brooklyn, NY 11223. EUL also maintains a place of business at 52 Butler Street, in Elizabeth, New Jersey.

8. Upon information and belief, EUL has bond coverage with Banker's Insurance Company, as required by the Shipping Act. EUL's NVOCC Bond No. is JGINVOC2828.

9. Respondent CarCont Ltd. ("CarCont") is a company with business address Merituulentie 424, 48310, Kotka, Finland, which released the Complainant's vehicle to persons other than Complainants at the direction and request of EUL and Hitrinov. Upon information and belief, CarCont is owned by Hitrinov.

10. Hitrinov is the Chairperson of the Board of CarCont, with signatory authority and direct control over respondent CarCont.

11. The operation and supervision of CarCont's day-to-day activities are conducted by respondent Hitrinov.

12. Respondent EUL is in the business of providing services as an ocean

transportation intermediary, and operates as a non-vessel operating common carrier ("NVOCC").

13. Hitrinov is the president and/or chief operating officer and/or chief executive officer of EUL.

14. Hitrinov is the sole principal of EUL.

15. The operation and supervision of EUL's day-to-day activities are conducted by respondent Hitrinov.

16. At all times hereinafter mentioned, EUL is and was licensed by the Federal Maritime Commission as a non-vessel operating common carrier ("NVOCC") under license number 012052.

17. There is an interlocking relationship between Hitrinov and the two corporate respondents EUL and Carcont as evidenced by:

- a. pervasive control over both corporations;
- b. negotiations by corporate officers of one corporation on behalf of another corporate entity (e.g., Hitrinov negotiating on behalf of EUL and CarCont);
- c. intermingling of activities with substantial disregard of the separate nature of the corporate entities;
- d. serious ambiguity about the manner and capacity in which the various parties and their respective representatives are acting;
- e. common ownership;
- f. common management;
- g. common financing;
- h. commingling of funds;
- i. commingling of loans;
- j. operations in each others' names;
- k. impermissible personal payments and asset transfers;

1. usage of the same internet domain names and email addresses registered to said domains.

18. The closeness of their relationships indicates that individual respondent Hitrinov is the alter ego of the corporate entities and piercing the corporate veil is necessary to avoid injustice and fundamental unfairness.

19. At all times relevant to the instant lawsuit, respondents EUL, CarCont, and Hitrinov were united in interest such that they are one and the same.

20. EUL and CarCont are "affiliates" as defined by 46 CFR §532.3.

21. At all times relevant to the instant lawsuit, EUL and Hitrinov: (a) ordered cargo to port; (b) prepared and/or processed export declarations; (c) booked, arranged for, and confirmed cargo space; (d) prepared and processing delivery orders and/or dock receipts; (e) processed ocean bills of lading; (f) arranged for warehouse storage; (g) cleared shipments in accordance with United States Government export regulations; (h) handled freight or other monies advanced by shippers, and/or remitted or advanced freight or other monies or credit in connection with the dispatching of shipments; (i) coordinated the movement of shipments from origin to vessel; and (j) give expert advice to exporters concerning problems germane to the cargoes' dispatch.

22. At all times relevant to the instant lawsuit, respondent Hitrinov knowingly and intentionally used the corporate form of respondents EUL and CarCont to perpetrate tortious and other wrongful conduct against the Complainants.

III. Jurisdiction

23. The Federal Maritime Commission ("FMC") has subject matter jurisdiction over the claims in this action as this matter relates to contracts for carriage of goods by sea from ports of the United States in foreign trade and thus comes under the Carriage of Goods by Sea Act

("COGSA"), 46 U.S.C.S. § 30701, and the Shipping act of 1984, 46 U.S.C. §40101, et. Seq.

24. Complainants are seeking reparations for injuries caused to them by EUL, Hitrinov, and CarCont as a result of respondents' violations of 46 U.S.C. §§ 40301, 40302, 40501, 40701, 41102, 41104, 41106, and the FMC's regulations at 46 C.F.R. Part 515, by:

- i. Failing to keep open to public inspection in an automated tariff system, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established;
- ii. To the extent that respondents have made tariffs open to public inspection in an automated tariff system, the contents of respondents' tariffs fail to (a) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules that in any way change, affect, or determine any part or the total of the rates or charges; and (b) include sample copies of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement;
- iii. Failing to comply with the mandate under the Shipping Act that a new or initial rate or change in an existing rate that results in an increased cost to a shipper may not become effective earlier than 30 days after publication;
- iv. Failing to maintain a rate or charge in a tariff or service contract, or charge or assess a rate, that is below a just and reasonable level;
- v. Failing to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property;
- vi. Having provided service in the liner trade that is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published the respondent;
- vii. With respect to service pursuant to a tariff, having engaged in unfair and unjustly discriminatory practices in the matter of: (A) rates or charges; (B) cargo classifications; (C) loading and landing of freight; and (D) adjustment and settlement of claims;
- viii. With respect to service pursuant to a tariff, by imposing undue or unreasonable prejudice or disadvantage;
- ix. Unreasonably refusing to deal or negotiate;

- x. Knowingly and willfully accepting cargo from or transporting cargo for the account of an ocean transportation intermediary that does not have a tariff as required by the Shipping Act;
- xi. Imposing undue or unreasonable prejudice or disadvantage with respect to any person; and by unreasonably refuse to deal or negotiate; and
- xii. Detaining and converting Complainants' cargo on the grounds that the principal of Effect/G-Auto (described herein) owed monies to respondents for reasons not related to the shipment of Complainants' cargo. It is an unreasonable and unlawful practice to assert a lien against a shipment for which all freight charges have been paid.

25. EUL is a non-vessel operating common carrier within the meaning of the Shipping Act and is and was licensed by the Federal Maritime Commission as a non-vessel operating common carrier under license number 012052, and thus falls under the jurisdiction of the Commission.

IV. Statement of Facts and Matters Complained of

26. As set forth in detail below, respondents are engaged in the business of exporting used cars (from warehouse to warehouse) from the United States to the states that comprised the former Soviet Union. Respondent EUL shipped Complainants' vehicles from a warehouse operated by EUL in the United States to respondent CarCont's customs bonded warehouse in Kotka, Finland, via ocean going vessel.

27. Respondents EUL, Hitrinov, and CarCont are in the business of providing services as an ocean transportation intermediary, and operate as a non-vessel operating common carrier ("NVOCC"). Respondents arrange for the warehouse to warehouse transport of automobiles overseas for automobile dealerships and personal shippers, and shipped Complainants' automobiles from the United States to a warehouse owned and operated by Hitrinov and CarCont, located in the Port of Kotka, which is a major Finnish sea port that serves the foreign trade of Finland and the United States.

28. Complainants have been forced to bring the instant action as a result of respondents' unlawful conversion of the automobiles owned by Complainants.

29. Empire, as an NVOCC, contracts with its customers as principal, agreeing to transport their goods on a voyage that includes an ocean leg.

30. An NVOCC commonly issues house bills of lading to its customers in its own name, even though it does not operate the ship that will carry the goods on the ocean voyage.

31. The NVOCC buys space on the carrying ship like any other customer, receiving a bill of lading from the owner or charterer of that ship when the goods are loaded on board.

32. Pursuant to rules and regulations promulgated by the FMC including, without limitation, regulations implementing the Shipping Act of 1984, 46 U.S.C. § 40101, et seq, an NVOCC can only charge a shipper prices disclosed in a published tariff filed with the FMC.

33. At all times relevant hereto, a service contract (the "Service Contract") existed between EUL and Mediterranean Shipping Company ("MSC"), which is not a party to this action.

34. Pursuant to the Service Contract between EUL and MSC, EUL was able to obtain container space for Complainants' automobiles aboard a vessel outbound from the Port of Elizabeth, New Jersey, pursuant to the terms of the Service Contract between EUL and MSC.

35. At all times mentioned herein, the business of the companies known as G-Auto Sales, Inc. ("G-Auto") and Effect Auto Sales Inc. ("Effect") which are affiliated with one another, was primarily focused on the sale of used vehicles and the operation of an automobile dealership.

36. At all times mentioned herein, G-Auto/Effect contracted with respondents Hitrinov and EUL to secure shipping and warehouse services related to vehicles sold by G-

Auto/Effect and destined for Kotka, Finland, with the consignee on each shipping bill of lading designated as Defendant CarCont.

Respondents' Unlawful Conversion of the 2009 GMC Acadia Owned by Complainant Igor Ovchinnikov

37. On or about August 21, 2012 complainant Igor Ovchinnikov applied for a loan from a bank in Khanty-Mansiysk, in the Russian Federation (the "Loan"), to finance the acquisition of a 2009 GMC Acadia (VIN#GKLVNED6AJ138200) the ("GMC Acadia"), and for purposes of obtaining funds to pay for customs clearance and other fees related to the purchase and import of the GMC Acadia.

38. On August 22, 2012, after receiving the proceeds of the Loan from the bank, complainant Igor Ovchinnikov purchased the GMC Acadia from G-Auto for a purchase price of \$28,960.00.

39. Upon purchasing vehicle, complainant was provided with an invoice from G-Auto, and a copy of the certificate of title for the vehicle.

40. The funds for the purchase of the GMC Acadia were paid by Complainant Ovchinnikov to G-Auto in three (3) separate wire transactions and the entire amount for the purchase of the GMC Acadia was paid in full by Complainant Ovchinnikov to G-Auto as of October 18, 2012.

41. Prior to export, G-Auto/Effect provided EUL with an original certificate of title for the GMC Acadia so that EUL could perform the customs clearance of the GMC Acadia for export overseas.

42. On or about December 21, 2012, the GMC Acadia was loaded, on board an MSC vessel, and was delivered on or about January 14, 2013 to the customs bonded warehouse owned by Hitriniv/CarCont in Kotka Finland. The EUL booking number for this shipment was

038EUL1046438 and the container number is TCNU8761450.

43. On or about January 15, 2013, Complainant Ovchinnikov contacted CarCont regarding the release of the GMC Acadia and was advised by CarCont that the vehicle would not be released to him.

44. On or about January 15, 2013, Complainant was specifically advised that EUL would not authorize the release of the GMC Acadia because there was an unpaid loan due and owing to EUL by the principal of G-Auto/Effect.

45. The sum of \$1500 representing ocean freight and related charges was paid to EUL by G-Auto per a statement identified as Statement #448, provided by EUL to G-Auto for the ocean freight for two automobiles, to wit: the GMC Acadia, and a 2010 Acura RDX.

46. Upon information and belief, EUL refused to issue individual invoices for the ocean freight for individual automobiles.

47. Subsequent thereto, and after Complainant Ovchinnikov made multiple requests that CarCont release the GMC Acadia to him, Mr. Ovchinnikov was advised by an employee of CarCont that EUL would not authorize the release of the GMC Acadia because there was an unpaid loan due and owing by the principal of Effect/G-Auto to EUL.

48. After investigating the matter further, Complainant Ovchinnikov ascertained that on May 14, 2013, that the GMC Acadia was registered under the name of Vasiliev, Valery Vladirimivich, a Russian citizen residing in St. Petersburg, Russia.

49. EUL, Hitrinov, and CarCont simply converted this automobile and have sold it to a third party in order to satisfy a loan allegedly due and owing from the principal of Effect/G-Auto to EUL and Hitrinov.

Respondents' Unlawful Conversion of the 2011 Jeep Compass Owned by Complainant Irina Rzaeva

50. On or about September 21, 2012 complainant Irina Rzaeva applied for a loan from a bank in Syktyvkar, in the Russian Federation (the "Purchase Loan"), to finance the acquisition of a 2011 Jeep Compass (VIN#1J4NF5FB7BD282296) the ("Jeep Compass"), and for purposes of obtaining funds to pay for customs clearance and other fees related to the purchase and import of the Jeep Compass.

51. On October 5, 2012, after receiving the proceeds of the Purchase Loan from the bank, complainant Irina Rzaeva purchased the Jeep Compass from G-Auto for a purchase price of \$15,920.00.

52. Upon purchasing vehicle, complainant was provided with an invoice from G-Auto, and a copy of the certificate of title for the vehicle.

53. The funds for the purchase of the Jeep Compass were paid by Complainant Rzaeva to G-Auto via a wire transaction and the entire amount for the purchase of the Jeep Compass was paid in full by Complainant Rzaeva to G-Auto on October 8, 2012.

54. Prior to export, Effect/G-Auto provided EUL with an original certificate of title for the Jeep Compass so that EUL could perform the customs clearance of the Jeep Compass for export overseas.

55. On or about November 15, 2012, the Jeep Compass was loaded, on board an MSC vessel, and was delivered on or about December 11, 2012 to the customs bonded warehouse owned by Hitriniv/CarCont in Kotka Finland. The EUL booking number for this shipment was 038EUL1039353 and the container number is TGHU8737440.

56. On or about December 15, 2012 Complainant Rzaeva paid 333,151.29 Russian Rubles or \$16,181.00 U.S. Dollars to the Russian Customs authorities for the customs

clearance/duty for the import of the Jeep Compass.

57. On or about December 16, 2012, Complainant Rzaeva contacted CarCont regarding the release of the Jeep Compass and was advised by CarCont that the vehicle would not be released to her.

58. On or about December 30, 2012, Complainant Rzaeva was specifically advised that EUL would not authorize the release of the Jeep Compass because there was an unpaid loan due and owing to EUL by the principal of G-Auto/Effect.

59. The sum of \$2250 representing ocean freight and related charges was paid to EUL by G-Auto per a statement identified as Statement #439, provided by EUL to G-Auto for the ocean freight for three automobiles, to wit: the Jeep Compass, a 2009 Volkswagen Tiguan, and a 2009 Mercedes-Benz C300.

60. Upon information and belief, EUL refused to issue individual invoices for the ocean freight for individual automobiles.

61. Subsequent thereto, and after Complainant Rzaeva made multiple requests that CarCont release the Jeep Compass to her, Ms. Rzaeva was advised by an employee of CarCont that EUL would not authorize the release of the Jeep Compass because there was an unpaid loan due and owing by the principal of Effect/G-Auto to EUL.

62. In or about March 12, 2013, Complainant Rzaeva made a trip to Kotka, Finland to try to find her vehicle and to file a complaint with the prosecutor's office in Finland. Her efforts to find the vehicle were unsuccessful.

63. Subsequent thereto, in late March of 2013, respondent Hitrinov contacted Complainant Rzaeva directly and admitted to her that he converted her automobile because there was an unpaid loan due and owing by the principal of Effect/G-Auto to EUL.

64. EUL, Hitrinov, and CarCont, simply converted this automobile and have sold it to a third party in order to satisfy a loan allegedly due and owing from the principal of Effect/G-Auto to EUL and Hitrinov.

Respondents' Unlawful Conversion of the 2009 Mercedes-Benz C300 Owned by Complainant Denis Nekipelov

65. On or about October 24, 2012 complainant Denis Nekipelov purchased a 2009 Mercedes-Benz C300 (VIN#WDDGF81X49R073295) the ("Mercedes"), from G-Auto for a purchase price of \$19,920.00.

66. Upon purchasing vehicle, complainant was provided with an invoice from G-Auto, and a copy of the certificate of title for the vehicle.

67. The funds for the purchase of the Mercedes were paid by Complainant Nekipelov to G-Auto via a wire transaction and the entire amount for the purchase of the Mercedes was paid in full by Complainant Nekipelov to G-Auto on October 25, 2012.

68. Prior to export, Effect/G-Auto provided EUL with an original certificate of title for the Mercedes so that EUL could perform the customs clearance of the Mercedes for export overseas.

69. On or about November 15, 2012, the Mercedes was loaded, on board an MSC vessel, and was delivered on or about December 11, 2012 to the customs bonded warehouse owned by Hitrinov/CarCont in Kotka Finland. The EUL booking number for this shipment was 038EUL1039353 and the container number is TGHU8737440.

70. On or about December 16, 2012, Complainant Nekipelov contacted CarCont regarding the release of the Mercedes and was advised by CarCont that the vehicle would not be released to him.

71. The sum of \$2250 representing ocean freight and related charges was paid to EUL

by G-Auto per a statement, identified as Statement #439 provided by EUL to G-Auto for the ocean freight for three automobiles, to wit: the Jeep Compass, a 2009 Volkswagen Tiguan, and a 2009 Mercedes-Benz C300.

72. Upon information and belief, EUL refused to issue individual invoices for the ocean freight for individual automobiles.

73. Subsequent thereto, and after Complainant Nekipelov made multiple requests that CarCont release the Mercedes to him, Mr. Nekipelov was advised by an employee of CarCont that EUL would not authorize the release of the Mercedes because there was an unpaid loan due and owing by the principal of Effect/G-Auto to EUL.

74. EUL, Hitrinov, and CarCont simply converted this automobile and have sold it to a third party in order to satisfy a loan allegedly due and owing from the principal of Effect/G-Auto to EUL and Hitrinov.

Respondents' Additional Unlawful Acts Regarding the Shipment of Complainants' Cargo

75. EUL did not have a tariff on file for the warehouse to warehouse shipments handled by it on behalf of Complainants.

76. EUL did not have a tariff on file for the warehouse to warehouse shipment of 40 foot high cube containers containing two (2) to three (3) automobiles.

77. EUL refused to provide an Empire house bill of lading for the shipment of Complainants' vehicles, although such house bill of ladings were duly demanded.

78. Upon information and belief Complainants believe that EUL has billed amounts in excess of its lawful tariff during the time period alleged herein.

79. During the time period alleged herein, EUL and Hitrinov accepted money for the warehouse to warehouse shipment of the vehicles described herein, then subsequently refused to

release the vehicles.

80. At all times alleged herein, EUL and Hitrinov failed to provide Complainants and any other necessary parties with proper and lawful documents of ownership, titles, house bills of lading, nor did they ever provide shipping invoices nor the terms and conditions of transport even though EUL and Hitrinov were paid for the warehouse to warehouse shipment of the vehicles described herein. Respondents failed to deal in good faith, and respondents failed to provide proof of ownership with a correct original Empire house bill of lading and contract of transport in a timely manner to the Complainants.

V. Violations of the Shipping Act

A. EUL violated 46 U.S.C. § 40701(a) failing to maintain a rate or charge in a tariff or service contract, or charge or assess a rate, that is below a just and reasonable level.

B. EUL violated 46 U.S.C. §41102(c) by failing to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property; and by failing to provide Complainants and any other necessary parties with: (1) proper and lawful documents of ownership; (2) shipping invoices and house bills of lading; and (3) the terms and conditions of transport; (4) failing to deal in good faith and further failing to provide proof of ownership.

C. EUL violated 46 U.S.C. §§ 41104(2), 41104(3), 41104(4), 41104(8), 41104(9) 41104(10), and 41104(10) by: (i) having provide service in the liner trade that is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published the respondent; (ii) by retaliating against Complainants by resorting to unfair and unjustly discriminatory methods; (iii) by, with respect to service pursuant to a tariff, having engaged in unfair and unjustly discriminatory practices in the matter of rates or charges, cargo

classifications, loading and landing of freight and adjustment and settlement of claims, (iv) with respect to service pursuant to a tariff, by imposing undue or unreasonable prejudice or disadvantage; (v) by unreasonably refusing to deal or negotiate; (vi) and by knowingly and willfully accepting cargo from or transporting cargo for the account of an ocean transportation intermediary that does not have a tariff as required by the Shipping Act.

D. EUL violated 46 U.S.C. §§ 41106(2) and 41106(3) by imposing undue or unreasonable prejudice or disadvantage with respect to any person; and by an unreasonable refusal to deal or negotiate.

E. EUL has violated 46 U.S.C. 41102(c) by detaining and converting Complainants' automobiles on the grounds that the principal of G-Auto/Effect owed monies to respondents for reasons not related to the instant shipments. It is an unreasonable and unlawful practice to assert a maritime lien against a shipment for which all freight charges have been paid.

VII. Injury to Complainants

A. As a result of respondents' aforementioned violations of the Shipping Act of 1984, the complainants have sustained and continue to sustain injuries and damages as follows:

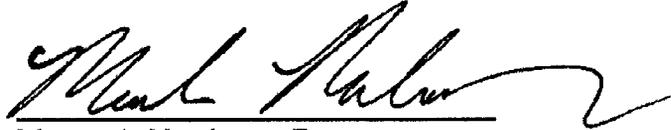
- **Complainant Igor Ovchinnikov:** Direct damages in excess of \$28,960.00 constituting the amounts paid for the purchase of the GMC Acadia plus additional damages for sums arising out of the loan which complainant Ovchinnikov obtained from the bank in Khanty-Mansiysk, Russia, for the purchase of the GMC Acadia, such as interest on the loan and bank fees;
- **Complainant Irina Rzaeva:** Direct damages in excess \$32,101.00 constituting the amounts paid for the purchase of the Jeep Compass and the customs clearance paid for the import of the Jeep Compass, plus additional damages for sums arising out of expenses incurred by complainant incidental to complainant's travel to Kotka, Finland, and for sums arising out of the loan which complainant Rzaeva obtained from the bank in Syktyvkar, Russia, for the purchase of the Jeep Compass, such as interest on the loan and bank fees;
- **Complainant Denis Nekipelov:** Direct damages in excess of \$19,920.00 constituting the amounts paid for the purchase of the Mercedes plus additional consequential damages;

The full extent of damages can only be determined after obtaining discovery in this matter, and after final calculation of interest due and owing to Complainants on this sum and calculation of the legal fees incurred by complainants due to respondents' violations of the Shipping Act.

VIII. Prayer for Relief

- A. Statement regarding ADR procedures: Alternative dispute resolution procedures were not used prior to filing the Complaint and Complainants have not consulted with the Commission Dispute Resolution Specialist about utilizing alternative dispute resolution.
- B. **WHEREFORE**, Complainants pray that: (1) respondents be required to answer the charges herein; (2) that after due hearing, an order be made commanding said respondent to pay to Complainants by way of reparations for the unlawful conduct hereinabove described, the sums described herein, with interest and attorney's fees, costs and expenses, or such other sum as the Commission may determine to be proper as an award of reparation; (3) that the Commission issue an Order holding that the respondents MICHAEL HITRINOV a/k/a MICHAEL KHITRINOV individually, EMPIRE UNITED LINES CO., INC., and CARCONT, LTD. violated the Shipping Act of 1984; (4) that the Commission Order the respondents to provide the Empire United Lines Co. Inc. house bills of lading for the shipments described herein; and (5) that the Commission issue such other and further order or orders as the Commission determines to be just and proper.

- C. Complainants request a hearing on this matter, and further request that the hearing be held in Washington, D.C.



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Dated: November 7, 2015

VERIFICATION

IGOR OVCHINNIKOV declares and states that he is a Complainant in this proceeding, and that the foregoing annexed VERIFIED COMPLAINT is true to the best of his information and belief, and that the grounds to his belief as to those matters therein not stated upon personal knowledge, is based upon information which has otherwise been provided to Complainant and which Complainant believes to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 6th, 2015.



IGOR OVCHINNIKOV

VERIFICATION

IRINA RZAEVA declares and states that she is a Complainant in this proceeding, and that the foregoing annexed VERIFIED COMPLAINT is true to the best of her information and belief, and that the grounds to her belief as to those matters therein not stated upon personal knowledge, is based upon information which has otherwise been provided to Complainant and which Complainant believes to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 07, 2015.



IRINA RZAEVA

VERIFICATION

DENIS NEKIPELOV declares and states that he is a Complainant in this proceeding, and that the foregoing annexed VERIFIED COMPLAINT is true to the best of his information and belief, and that the grounds to his belief as to those matters therein not stated upon personal knowledge, is based upon information which has otherwise been provided to Complainant and which Complainant believes to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 08, 2015.



DENIS NEKIPELOV