

S E R V E D  
May 24, 2016  
FEDERAL MARITIME COMMISSION

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DOCKET NO. 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV

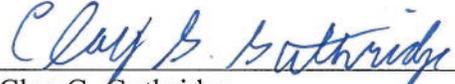
v.

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

ORDER DENYING RESPONDENTS' REQUEST FOR RECONSIDERATION

On April 27, 2016, the undersigned denied a motion to stay this proceeding filed by respondents Empire United Lines Co., Inc. (Empire) and Michael Hitrinov a/k/a Michael Khitrinov (Hitrinov). *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. 27, 2016) (Order Denying Respondents' Motion for Stay). On April 28, 2016, Empire and Hitrinov filed Respondents' Urgent Request for Immediate Conference that included a claim that the denial of the motion to stay was premised on the erroneous finding that Complainants' vehicles were not at issue in the New Jersey district court case on which Empire and Hitrinov's motion for stay was premised and contending that the order should be reconsidered. Empire and Hitrinov included an exhibit attached to the Amended Counterclaim in the New Jersey case identifying Complainants' vehicles.

As should be clear from the Order denying the motion for stay, even if the New Jersey district court reached some issues regarding Complainants' vehicles, because the district court does not have jurisdiction over claims of violations of the Shipping Act, "[a]t the conclusion of the New Jersey case, Complainants would be in exactly the same position they are in now without resolution of any issue relevant to whether Empire and Hitrinov violated the Shipping Act when transporting the Acadia, Jeep, and Mercedes-Benz." *Id.* (Order at 8). Empire and Hitrinov have not identified a substantive error of material fact in the Order. The request for reconsideration is **DENIED**.

  
Clay G. Guthridge  
Administrative Law Judge