

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO.:16:02

D.F. YOUNG, INC.,

COMPLAINANT

V.

NYK LINE (NORTH AMERICA) INC.,

RESPONDENT

JOINT STATUS REPORT

TO CHIEF ADMINISTRATIVE LAW JUDGE CLAY G. GUTHRIDGE:

The parties in the above-captioned action, Complainant D.F. Young, Inc. (“the Complainant”), and Respondent NYK Line (North America), Inc. (“Respondent”) (collectively “the Parties”) pursuant to the Order entered by Chief Administrative Law Judge Clay G. Guthridge on March 24, 2016, hereby jointly offer the following status report.

I. WRITTEN DISCOVERY

As conveyed in the previous Joint Status Report, the Parties have exchanged written discovery requests. The Parties have not yet exchanged documentation in response to their respective Requests for Production of Documents, as both Parties agree that a confidentiality agreement is needed to ensure certain trade secrets and proprietary information of the Parties and third parties before such production can properly be accomplished. The Parties have recently

exchanged drafts of a confidentiality agreement and expect to finalize the same shortly.

II. PARTY DEPOSITIONS

The Parties had scheduled depositions of parties' respective corporate designees to take place in April, but, since production of documents has been delayed, they agreed to postpone these depositions until such production has been accomplished. The Parties expect to reschedule these depositions within the next 2-3 weeks.

III. NON-PARTY DEPOSITIONS

The Parties have not yet reached an agreement on the issue of the sequence of Party vs. non-Party depositions and will seek a ruling from the ALJ if an agreement cannot be reached.

IV. CADRS

Benjamin Nashed of CADRS has now conducted initial, separate conferences with both parties. Mr. Nashed has requested further documentation to assist him in facilitating settlement discussions. The parties have postponed conveying further documentation to Mr. Nashed until the above-referenced confidentiality agreement has been finalized.

V. STIPULATIONS

Since the last Joint Status Report, the parties have explored the possibility of additional, potential stipulations, including ones related to the service and receipt of further demands for compensation by Complainant on Respondent and condensing the transmission and use of certain production documents. Discussions regarding such stipulations are ongoing, and the parties are optimistic that common ground on these issues can be reached.

Respectfully submitted,

LAW OFFICES OF THOMAS J. WAGNER, LLC

Date: May 3, 2016

By: /s/ Thomas J. Wagner, Esquire

Thomas J. Wagner, Esquire
Law Offices of Thomas J. Wagner, LLC
8 Penn Center, 6th Floor
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103
tjwagner@wagnerlaw.net
Tel.: 215.790.0761
Fac.: 215.790.0762
Attorney for Complainant, D.F. Young, Inc.

CICHANOWICZ CALLAN KEANE & DE MAY, LLP

Date: May 3, 2016

By: /s/ Joseph De May, Jr., Esquire

Joseph De May, Jr., Esquire
Paul M. Keane, Esquire
Cichanowicz Callan Keane & De May, LLP
50 Main Street, Suite 1045
White Plains, NY 10606
jdemay@cckd-ny.com
pkeane@cckd-ny.com
Tel: 212.334.7072
Fac: 212.344.7285
Attorneys for Respondent, NYK Line (North America), Inc.