

BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 16-16

MAVL CAPITAL, INC., IAM & AL GROUP INC. and MAXIM OSTROVSKIY,
(Complainants)

v.

MARINE TRANSPORT LOGISTICS, INC. and DIMITRY ALPER,
(Respondents)

VERIFIED ANSWER

Respondent Marine Transport Logistics, Inc. (hereinafter, “MTL”), through its undersigned counsel, submits this Verified Answer in response to the Verified Complaint (the “Complaint”). The section headings contained herein mirror those in the Complaint, including Complainants’ typographical omission of a section heading “VI.”, and are included solely for purposes of clarity and organization, and Respondents do not admit, but rather specifically deny, any factual or legal allegations in the headings.

I. Complainants

1. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 1 of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 2 of the Complaint.

3. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 3 of the Complaint.

II. Respondents

4. Admits the allegations contained in ¶ 4 of the Complaint.
5. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 5 of the Complaint.
6. Admits the allegations contained in ¶ 6 of the Complaint.
7. Admits the allegations contained in ¶ 7 of the Complaint.
8. Denies the allegations contained in ¶ 8 of the Complaint.
9. Admits the allegations contained in ¶ 9 of the Complaint.
10. The allegation(s) in ¶ 10 constitute legal conclusion(s) to which no response is required. To the extent that a response is required, MTL denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 10 of the Complaint.
11. Admits the allegations contained in ¶ 11 of the Complaint.
12. The allegation(s) in ¶ 12 constitute legal conclusion(s) to which no response is required. To the extent that a response is required, MTL denies the allegations contained in ¶ 12 of the Complaint.
13. The allegation(s) in ¶ 13 constitute legal conclusion(s) to which no response is required. To the extent that a response is required, MTL denies the allegations contained in ¶ 13 of the Complaint.

14. Admits that MTL is a Non-Vessel Operating Common Carrier licensed by the Federal Maritime Commission to perform NVOCC services, but except as so specifically admitted, denies the allegations contained in ¶ 14 of the Complaint.
15. Denies the allegations contained in ¶ 15 of the Complaint.
16. Denies the allegations contained in ¶ 16 of the Complaint.

III. Jurisdiction

17. Denies the allegations contained in ¶ 17 of the Complaint.
18. The allegation(s) in ¶ 18, inclusive of sub-parts (i) to (v), constitute legal conclusion(s) to which no response is required. To the extent that a response is required, MTL denies the allegations contained in ¶ 18 of the Complaint.
19. Admits that MTL is a Non-Vessel Operating Common Carrier licensed by the Federal Maritime Commission, but except as so specifically admitted, denies the allegations contained in ¶ 19 of the Complaint.

IV. Statement of Facts and Matters Complained of

20. Admits that MTL is a Non-Vessel Operating Common Carrier licensed by the Federal Maritime Commission, but except as so specifically admitted, denies the allegations contained in ¶ 20 of the Complaint.
21. Admits that MTL is a Non-Vessel Operating Common Carrier licensed by the Federal Maritime Commission, but except as so specifically admitted, denies the allegations contained in ¶ 21 of the Complaint.
22. Denies the allegations contained in ¶ 22 of the Complaint.

23. Denies the allegations contained in ¶ 23 of the Complaint.
24. Admits that MTL is a Non-Vessel Operating Common Carrier licensed by the Federal Maritime Commission, but except as so specifically admitted, denies the allegations contained in ¶ 24 of the Complaint.
25. Admits that MTL, as a Non-Vessel Operating Common Carrier licensed by the Federal Maritime Commission, issues its bill of lading to MTL's shippers, and further admits that MTL does not own or operate ocean vessels, but except as so specifically admitted, denies the allegations contained in ¶ 25 of the Complaint.
26. Denies the allegations contained in ¶ 26 of the Complaint.

The 2006 Mercedes SL65

27. Admits that MTL arranged for storage of the 2006 Mercedes SL65, but except as so specifically admitted, denies the allegations contained in ¶ 27 of the Complaint.
28. Admits that MTL arranged for storage of the 2006 Mercedes SL65, but except as so specifically admitted, denies the allegations contained in ¶ 28 of the Complaint.
29. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 29 of the Complaint.
30. Admits that Complainants agreed to pay MTL storage fees at a monthly rate of \$150, but except as so specifically admitted, denies the allegations contained in ¶ 30 of the Complaint.
31. Denies the allegations contained in ¶ 31 of the Complaint.

32. Denies the allegations contained in ¶ 32 of the Complaint.

33. Denies the allegations contained in ¶ 33 of the Complaint.

34. Denies the allegations contained in ¶ 34 of the Complaint.

35. Denies the allegations contained in ¶ 35 of the Complaint.

36. Denies the allegations contained in ¶ 36 of the Complaint.

The 2011 Porsche Panamera

37. Denies the allegations contained in ¶ 37 of the Complaint.

38. Denies the allegations contained in ¶ 38 of the Complaint.

39. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 39 of the Complaint.

40. Denies the allegations contained in ¶ 40 of the Complaint.

41. Denies the allegations contained in ¶ 41 of the Complaint.

42. Denies the allegations contained in ¶ 42 of the Complaint.

43. Denies the allegations contained in ¶ 43 of the Complaint.

44. Denies the allegations contained in ¶ 44 of the Complaint.

45. Denies the allegations contained in ¶ 45 of the Complaint.

46. Denies the allegations contained in ¶ 46 of the Complaint.

The Three Harley Davidson Motorcycles

47. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 47 of the Complaint.

48. Denies knowledge or information sufficient to form a belief as to the allegation(s) contained in ¶ 48 of the Complaint.
49. Admits that Complainants delivered the three motorcycles to non-party Unitrans-PRA, but except as so specifically admitted, denies the allegations contained in ¶ 49 of the Complaint.
50. Admits that on or about September 6, 2013, respondent Dimitry Alper submitted an e-mail to Unitrans-PRA to request that Uni-Trans PRA “hold” the three motorcycles and further admits that the September 6, 2013 ”hold” request was rejected by Uni-Trans, but except as so specifically admitted, denies the allegations contained in ¶ 50 of the Complaint.
51. Denies the allegations contained in ¶ 51 of the Complaint.

V. Violations of the Shipping Act

52. Denies the allegations contained in ¶ V.A. of the Complaint.
53. Denies the allegations contained in ¶ V.B. of the Complaint.
54. Denies the allegations contained in ¶ V.C. of the Complaint.

VII. Injury to Complainants

55. Denies the allegations contained in ¶ VII.A. of the Complaint.

VIII. Prayer for Relief

56. The allegation(s) in ¶ VIII.A. refer to Complainants’ “Statement regarding ADR Procedures”, and no response is necessary.

57. The allegation(s) in ¶ VIII.B. constitute legal conclusion(s) and/or a request for Commission action, to which no response is required. To the extent that a response is required, MTL opposes and denies the requests made by Complainants in ¶ VIII.B.
58. The allegation(s) in ¶ VIII.C. constitute a request for Commission action, to which no response is required. To the extent that a response is required, MTL does not object to a hearing to be held in Washington, D.C.

AS AND FOR JURISDICTIONAL DEFENSES

1. The Federal Maritime Commission lacks subject matter jurisdiction over MTL because, *inter alia*, the Federal Maritime Commission does not have jurisdiction over warehouse activities independent of MTL's NVOCC services.
2. The Complaint fails to state a cause of action for a Shipping Act Violation against Respondent MTL because, *inter alia*, the extent that the claims are apparently directed toward warehouse activities independent of MTL's NVOCC services.

AS AND FOR ADDITIONAL DEFENSES

3. The Complaint is defective as a matter of law in that it lacks specificity and fails to state facts sufficient to constitute a claim for relief against Respondents.
4. The Complaint is defective as a matter of law in that it fails to state facts sufficient to identify how each, or any, section of the Shipping Act was allegedly violated by Respondents
5. The relief sought by Complainants is barred by the doctrine of laches.

6. The relief sought by Complainants is barred by the doctrine of unclean hands.
7. The relief sought by Complainants is time-barred.
8. The relief sought by Complainants is not properly quantified, substantiated, or authenticated.
9. The relief sought by Complainants is barred, in whole or in part, because any damages resulted from Complainants own inaction, negligence or other fault, including but not limited to, Complainants failure to pay outstanding charges owed by Complainants to Respondents..

Dated: August 31, 2016
New York, NY

Respectfully submitted,
MONTGOMERY McCracken WALKER &
RHOADS, LLP
Attorneys for Respondent
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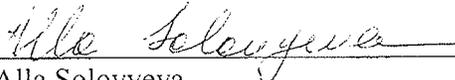
Stephen H. Vengrow
Eric Chang

VERIFICATION

I, Alla Solovyeva, as the President of Respondent Marine Transport Logistics, Inc., have read the foregoing Verified Answer and know the contents thereof, and the same are true to the best of my knowledge, except for those matters therein which are stated to be alleged upon information and belief and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 31, 2016


Alla Solovyeva

CERTIFICATE OF SERVICE

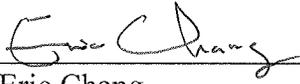
The undersigned declares under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen years and I am not a party to this action.
2. On September 1, 2016, I served a complete copy of Respondent's Verified Answer in Docket No. 16-16 by mailing same to the below parties by U.S. Mail:

Secretary, Federal Maritime Commission
800 N. Capital St., NW.
Washington DC 20573-0001

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P.O. Box 245599
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Secaucus, New Jersey 07094


Eric Chang

Dated: September 1, 2016
New York, New York