

FEDERAL MARITIME COMMISSION

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SMARTSTONE PRIVATE LIMITED

Claimant,

Formal Docket no. 1946 (F)

-against-

GENERAL NOLI USA, INC., and SAVINO
DEL BENE FREIGHT FORWARDERS (INDIA)
PVT LTD,

Respondent.

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**CLAIMANT'S OPPOSITION FOR RESPONDENT
GENERAL NOLI'S MOTION FOR ADDITIONAL INFORMATION**

Claimant Smartstone Private Limited by its dully qualified representative R.K.Mittal C.E.O., respectfully moves this Honorable Commission on November 11, 2014 for an order by Administrative law Judge Erin M. Wirth, not to allow the Respondent General Noli's Motion for Additional Information, requiring claimant Smartstone Private Limited ("Smartstone") to submit the documents requested in Respondent's First Request for Production of Documents dated October 26, 2014 (the "Request") (attached thereto as Exhibit 1).

GENERAL NOLI'S ATTEMPTS TO OBTAIN THE REQUESTED INFORMATION

1. First Request for Production of Documents dated October 26, 2014 of Clyde & Co. US LLP attorneys of respondent General Noli USA INC to produce and permit the inspection and copying of the various documents, writings and things at the offices of Clyde & Co. US LLP, The Chrysler Building, 405 Lexington Avenue, 16th Floor, New York, New York 10174, on or before October 30, 2014 was received by claimant Smartstone Pvt Ltd by email message on 27th October 2014.
2. First Request for Production of Documents dated October 26, 2014 was made by Clyde & Co. US LLP attorneys of respondent General Noli USA INC allowing Claimant Smartstone Pvt Ltd **only three days** to produce and permit the inspection and copying of the various documents, writing and thins at their office in New York only for the purpose of filling a Motion for Additional Information before Administrative Law Judge Erin M. Wirth.
3. The Claimant is in India and the time provided by Clyde & Co. US LLP attorneys of respondent General Noli USA INC **only three days** to produce and permit the inspection and copying of the various documents, writing and thins at their office in New York was totally unjustified and unreasonable and it was totally impossible for Claimant Smartstone Pvt Ltd to comply with the request of Clyde & Co. US LLP within three days.

THE REQUESTED DOCUMENTS ARE NOT RELEVANT TO THE PROCEEDING

1. General Noli's discovery requests are not relevant to the proceeding at all necessary to understand and analyze facts underlying Smartstone's claim. Facts underlying Smartstone's claim are that Respondent No. 1 General Noli USA INC facilitated delivery of the cargo to the buyer without collecting to order negotiable original Bill of Lading by violating all International Laws, Business norms and ethics and related sections of shipping act due to which buyer did not pay Claimant's Invoice amount USD 22191.07.
2. Documents and Information relating to specific shipment of cargo which is the subject of Smartstone's claim has already been submitted with the complain filed by Smartstone.
3. Ongoing dispute is nothing but all original export documents for the container for which Smartstone has submitted the claim, were forwarded to the Buyer's Bank by the Claimant's Banker State Bank of India with specific instructions that the documents are to be released to the Buyer only after the Buyer accepts the documents for payment of invoice amount USD 22191.07 at 90 days from the Bill of Lading date. But Buyer did not collect the original documents from their Bank. The original set of documents including three Bill of Lading were returned back to Claimant's Bank by the Buyer's Bank. Claimant presently have all the three original to order negotiable Bill of Ladings and Buyer got the delivery of cargo without submitting original Bill of Lading to Respondent No. 1 General Noli USA INC due to which Buyer did not pay claimant's Invoice amount USD 22191.07.
4. Documents that will shed light on whether any damages were in fact incurred by Smartstone has already been submitted with the complain filed by Smartstone.
5. The actual quantum of such damages is absolutely clear from the complain filed by Smartstone.

THE REQUESTED INFORMATION IS DISCOVERABLE BY OTHER MEANS

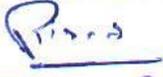
1. All documents relevant to this action has already been submitted with the complain filed by Smartstone.
2. Smartstone commenced this action over two (2) years after the shipment as during this period Smartstone was trying to recover the payment from the Buyer and Smartstone was not aware that they have the right to file the complain with Federal Maritime Commission.
3. Smartstone shall submit any document required by Administrative Law Judge.

REQUESTES FOR DOCUMENTS
POSSESSION, CUSTODY OR CONTROL OF THE CLAIMANT

1. Request of Clyde & Co. US LLP attorneys of respondents General Noli USA INC for the list of Employees and officers of Smartstone during the period from 01st October 2011 to date is irrelevant as the complain was signed by Director of Smartstone Pvt Ltd dully qualified representative. Smartstone has clearly shown that it is being represented by its Director and it satisfies the regulation governing who may make an appearance on behalf of Smartstone.
2. Documents related to sale of Claimant's cargo has already been submitted with the complain filed by Smartstone.
3. Documents which refer or relate to the discharge or delivery of Claimant's cargo has already been submitted with the complain filed by Smartstone.
4. All communication between all Expo Granite's Bank and Smartstone's Bank has already been submitted with the complain filed by Smartstone.
5. Bill of Lading relate to Claimant's cargo has already been submitted with the complain filed by Smartstone.
6. All documents which refer to shipment from Smartstone through Respondents has already been submitted with complain filed by Smartstone.

Date : Karnataka, India
November 11, 2014

Smartstone Private Limited
For SMARTSTONE PVT LTD

By:  _____ CEO

Aditya Mittal

R.K. Mittal

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