

Clyde & Co US LLP
The Chrysler Building
405 Lexington Avenue
New York, New York 10174
Telephone: +212 710 3900
Facsimile: +212 710 3950

www.clydeco.us

July 8, 2015

BY EMAIL

Hon. Erin M. Wirth
Administrative Law Judge
Federal Maritime Commission
800 North Capitol Street, N.W
Washington, D.C. 20573

Re: *Smartstone Private Limited v. General Noli USA, Inc.
and Savino Del Bene Freight Forwarders (India) Pvt Ltd*
Docket No. 1946(F)

Dear Administrative Law Judge Wirth:

Pursuant to the Order Granting Third Request for Extension of Briefing and Requiring Joint Status Report dated June 26, 2015, claimant Smartstone Private Limited (“Smartstone”), and respondents General Noli USA, Inc. (“General Noli”), and Savino Del Bene Freight Forwarders (India) Pvt. Ltd. (“SDB”) (collectively, “respondents”), by their undersigned attorneys, respectfully submit this joint status report. Respondents reserve all rights and defenses, including their objection to the Federal Maritime Commission’s jurisdiction, none of which is waived.

1. Status of Settlement Negotiations

On or about June 4, 2015, counsel for respondents presented Smartstone and Expo Granite Marble, LLC (“Expo”) with a privileged and confidential draft settlement agreement for the full and complete settlement of any and all claims arising from the sale and shipment of certain granite slabs which is the subject of the captioned proceeding. On or about June 18, 2015, Smartstone agreed to the settlement terms.

Respondents are working in good faith to meet the conditions of the settlement agreement which requires certain funds to be deposited in Clyde & Co US LLP’s escrow account before the settlement agreement may be signed and submitted to the Federal Maritime Commission with the parties’ joint motion for (1) approval of the Agreement, and (2) the dismissal of the captioned proceeding.

Claimant Smartstone’s Position:

(2)

Claimant Smartstone states that respondents should deposit the required funds for settlement in the escrow account of Clyde & Co. US LLP before 16th July 2015 and Clyde & Co. US LLP should confirm the same to Smartstone, prepare the fresh settlement agreement, get the same signed by involved parties and file the same with the Federal Maritime Commission with the parties joint motion for (1) approval of the Agreement, and (2) the dismissal of the captioned proceeding on or before 16th July 2015.

Respondents or Clyde & Co. US LLP, attorneys of the respondents should not seek further extension of time for settlement. Claimant Smartstone will not be agreeable for further extension of time for settlement.

Respectfully,

Dated: New York, New York and Karnataka, India
July 8, 2015

Smartstone Private Limited
For SMARTSTONE PVT LTD

By: 
Aditya Mittal (R. K. MITTAL)
R K Mittal C.E.O
Plot No 218, Kiadb Industrial Area,
Bomassandra 3rd Phase, Anekal Taluk,
Bangalore - 560099,
Karnataka, India
Tel: +91 9845200159

CLYDE & CO US LLP
Attorneys for respondents General
Noli USA, Inc., and Savino
Del Bene Freight Forwarders (India)
Pvt Ltd.

By: 
John R. Keough
Casey D. Burlage
Zoë E. Sajor
The Chrysler Building
405 Lexington Avenue, 16th Floor
New York, New York 10174
Tel: (212) 710-3900
Fax: (212) 710-3950