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March 19, 2015

Via FedEx & Electronic Mail

Hon. Erin M. Wirth
Administrative Law Judge
Federal Maritime Commission
Room 1088, 800 N. Capitol Street, N.W.
Washington, D.C. 20573-0001

FILED

MAR 19 2015

Federal Maritime Commission
Office of the Secretary

Re: Status Report – Docket No. 1949(F),
Walter Muzorori v. Canada States Africa Line, Inc. (CSAL)

Dear Judge Wirth:

Pursuant to your February 19, 2015 Initial Order, Respondent CSAL Canada States Africa Line, Inc. (“CSAL”) respectfully submits this status report for the above-captioned matter. CSAL reserves all rights and defenses in these proceedings, including its objection to the Commission’s jurisdiction.

Although it had been Respondent’s intention to submit a joint status report, efforts to obtain statements from Claimant Walter Muzorori regarding the status of discovery matters and settlement negotiations were unavailing. Counsel for Respondent had prepared and sent to Claimant a pro forma response, containing Respondent’s contentions as to the status of discovery and settlement, and with the request that Claimant provide his own statement for inclusion in the report. Despite explanation by counsel as to the purpose of the status report, Mr. Muzorori submitted in response to our request a re-argument of his contentions in this matter, with annexed exhibits purporting to support his assertions.

After review, we determined that it would be prejudicial to Respondent for such argumentative material to be filed jointly without opposition, as doing so might give rise to the implication or argument that Respondent acquiesced to Claimant’s view of the operative facts. We therefore advised Claimant that his proposed contribution was not responsive and offered him another opportunity to submit appropriate statements for inclusion in a joint report. We also advised Claimant that if he did not do so, Respondent would need to file a status report on its own. Claimant subsequently declined to provide responsive statements for inclusion in a joint report. Accordingly, Respondent is filing this status report independently.

I. DISCOVERY

On March 17, 2015, counsel for CSAL served an informal discovery request on Claimant to produce bills of lading, invoices, correspondence, and other documents Claimant contends support his claim. Counsel for CSAL spoke by telephone with Claimant on March 18, 2015 and Claimant subsequently submitted some materials claimed to be responsive. CSAL anticipates the need for follow-up discovery requests to address apparent gaps in the documentary record and Claimant’s unfounded reliance on draft documentation that never came into force.

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II. SETTLEMENT NEGOTIATIONS

On August 6, 2014, CSAL sent a letter to Claimant and Commission attorney Theresa Dike offering to settle this matter for \$5,000. CSAL made this settlement offer in good faith and without prejudice as part of the Commission's informal dispute resolution process, and on the basis that such offer was not an acknowledgment of any negligence or wrongdoing. Claimant refused CSAL's first settlement offer.

On March 17, 2015, counsel for CSAL sent a second settlement offer to Claimant via Federal Express and electronic mail. As with the August 6, 2014 proposal, CSAL made this second settlement offer in good faith and on the basis that it was not an acknowledgment of any negligence or wrongdoing. Claimant and Counsel for CSAL subsequently spoke by telephone on March 18, 2015 and Claimant stated that he would reject CSAL's second settlement offer. Although CSAL hopes to resolve this dispute in a respectful and mutually-beneficial manner, the prospects for settlement appear dim.

Respectfully submitted,

CANADA STATES AFRICA LINE INC. (CSAL)
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