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**ORIGINAL** ALJ(2)  
Public

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

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**Docket No. 09-01**

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**MITSUI O.S.K. LINES LTD.**

**COMPLAINANT**

**v.**

**GLOBAL LINK LOGISTICS, INC., OLYMPUS PARTNERS, OLYMPUS GROWTH  
FUND III, L.P., OLYMPUS EXECUTIVE FUND, L.P., LOUIS J. MISCHIANTI, DAVID  
CARDENAS, KEITH HEFFERNAN, CJR WORLD ENTERPRISES, INC. AND CHAD J.  
ROSENBERG**

**RESPONDENTS**

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**ANSWER TO COUNTER-COMPLAINT**

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Mitsui O.S.K. Lines Ltd. ("MOL"), for its answer to the counter-complaint filed by  
Global Link Logistics, Inc. ("Global Link") in this proceeding, states:

I. Counter Complainant

MOL admits the first three sentences of this paragraph. As to the last sentence, MOL  
lacks sufficient information to either admit or deny the averments.

II. Counter Respondent

Admit.

FEDERAL MARITIME COMMISSION

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III. Jurisdiction

To the extent this paragraph characterizes the nature of the counter-complaint, no response is required. To the extent a response is required, MOL denies the averments in this paragraph.

IV. Statement of Facts

1. Admit that Global Link and MOL began doing business on or about May 11, 2004.
2. Admit that Global Link and MOL have entered into five service contracts.
3. MOL denies the averments in this paragraph.
4. MOL denies the averments in this paragraph.

V. Violations of the Shipping Act of 1984

To the extent this paragraph consists of legal conclusions no response is required. To the extent that a response is required, MOL denies the averments in this paragraph.

VI. Injury to Global Link

MOL denies the averments in this paragraph.

VII. Prayer for Relief

To the extent this paragraph is a prayer for relief no response is required. To the extent that a response is required, MOL denies the averments in this paragraph.

AFFIRMATIVE DEFENSES

1. The counter-complaint is time barred to the extent that it challenges matters that were known or should have been known to Global Link prior to June 17, 2006, including MOL's published tariff rates and terms, MOL and Global Link's negotiated contract rates and terms,

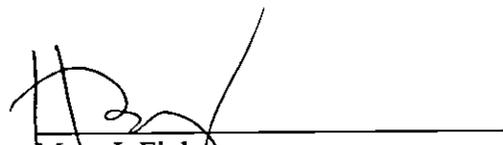
and/or any actions allegedly taken by MOL in connection with Global Link's split routing practice.

2. The counter-complaint fails to state a claim upon which relief can be granted.
3. The counter-complaint is barred by estoppel.

Wherefore MOL prays that the counter-complaint in this proceeding be dismissed.

Respectfully submitted,

  
By: Tsuyoshi Yoshida  
Title: Executive Vice-President/Chief Operating Officer  
Mitsui O.S.K. Lines, Ltd.  
For and on behalf of  
Mitsui O.S.K. Lines, Ltd.

  
By: Maç J. Fink  
Anne E. Mickey  
Heather M. Spring  
SHER & BLACKWELL, LLP  
1850 M Street, N.W., Suite 900  
Washington, D. C. 20036  
Tel.: (202) 463-2500  
Fax: (202) 463-4950

*Attorneys for Mitsui O.S.K. Lines, Ltd.*

Dated: July 7, 2009

VERIFICATION

\_\_\_\_\_)
State of California )
) ss:
County of Contra Costa )
\_\_\_\_\_)

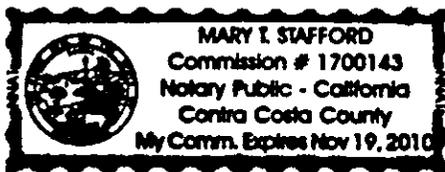
Tsuyoshi Yoshida, being first duly sworn on oath, deposes and says that he is the Executive Vice President and Chief Operating Officer of Complainant and is the person who signed the foregoing Answer; that he has read the Answer and that the facts stated therein, upon information received from others, he believes to be true.

[Handwritten signature of Tsuyoshi Yoshida]
Tsuyoshi Yoshida

Subscribed and sworn to before me by Tsuyoshi Yoshida proved to me on the basis of satisfactory evidence to be the person who appeared before me, in Concord, CA this 6th day of July, 2009.

[Handwritten signature of Mary I. Stafford]
NOTARY PUBLIC
For the State of California
County of Contra Costa

My Commission expires: November 19, 2010



## CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July 2009, I have served the forgoing Answer to Counter-Complaint upon the following counsel of record by e-mail and first class mail, postage prepaid:

David P. Street  
Brendan Collins  
GKG LAW, P.C.  
1054 31st St., N.W., Ste. 200  
Washington, D.C. 20007-4492  
(202) 342-5220  
[dstreet@gkglaw.com](mailto:dstreet@gkglaw.com)  
[bcollins@gkglaw.com](mailto:bcollins@gkglaw.com)  
*Attorneys for Global Link Logistics, Inc.*

Carlos Rodriguez  
RODRIGUEZ O'DONNELL  
GONZALEZ & WILLIAMS, P.C.  
1250 Connecticut Ave., NW, Ste. 200  
Washington, DC 20036  
(202) 973-2999  
[rodriguez@rorlaw.com](mailto:rodriguez@rorlaw.com)  
*Attorney for CJR World Enterprises and  
Chad J. Rosenberg*

Warren L. Dean, Jr.  
Robert A. Shapiro  
Sean McGowan  
Ryan K. Manger  
THOMPSON COBURN LLP  
1909 K St., N.W., Ste. 600  
Washington, D.C. 20006  
(202) 585-6900  
[wdean@thompsoncoburn.com](mailto:wdean@thompsoncoburn.com)  
[rshapiro@thompsoncoburn.com](mailto:rshapiro@thompsoncoburn.com)  
[smcgowan@thompsoncoburn.com](mailto:smcgowan@thompsoncoburn.com)  
[rmanger@thompsoncoburn.com](mailto:rmanger@thompsoncoburn.com)  
*Attorneys for Olympus Growth Fun III, L.P.,  
Olympus Executive Fund, L.P., Louis J.  
Mischianti, David Cardenas, and Keith  
Heffernan*

A copy of the forgoing was further served upon the following respondent, not presently represented by counsel, via FedEx:

OLYMPUS PARTNERS  
Metro Center  
One Station Place  
Stamford, CT 06902  
Attn: Robert S. Morris  
Managing Partner

  
\_\_\_\_\_  
Heather M. Spring