

S E R V E D  
June 12, 2008  
FEDERAL MARITIME COMMISSION

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**WASHINGTON, D.C.**

**DOCKET NO. 06-06**

**EUROUSA SHIPPING, INC., TOBER GROUP, INC., AND CONTAINER  
INNOVATIONS, INC. -- POSSIBLE VIOLATIONS OF SECTION 10 OF THE  
SHIPPING ACT OF 1984 AND THE COMMISSION'S REGULATIONS  
AT 46 C.F. R. § 515.27**

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**JUNE 12, 2008, PROCEDURAL ORDER**

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The Commission issued the Order of Investigation and Hearing that commenced this proceeding in part to determine:

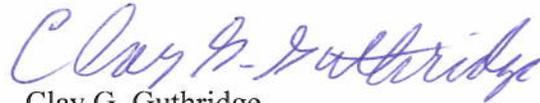
- (1) Whether [respondent Tober Group, Inc. (Tober)] violated section 10(b)(11) of the Shipping Act of 1984 and the Commission's regulations at 46 C.F.R. § 515.27 by knowingly and willfully accepting cargo from or transporting cargo for the account of an OTI that did not have a tariff and a bond as required by sections 8 and 19 of the Act; [and]
- (2) Whether Respondent Tober violated section 10(b)(2)(A) of the Act by providing service in the liner trade that was not in accordance with the rates and charges contained in a published tariff.

*EuroUSA Shipping, Inc., Tober Group, Inc., and Container Innovations, Inc. -- Possible Violations of Section 10 of the Shipping Act of 1984 and the Commission's Regulations at 46 C.F.R. § 515.27, FMC No. 06-06, Order at 4 (May 11, 2006) (Order of Investigation and Hearing). Tober moved for summary judgment on the claim that it violated section 10(b)(11). In a separate memorandum and order issued today, I granted Tober's motion.*

Tober addressed the section 10(b)(2)(A) claim briefly in its motion, calling its actions with regard to this section a "technical violation." (Tober Group, Inc.'s Memorandum in Support of

Motion for Summary Judgment at 29 n.16.) At the argument on Tober's motion, counsel for Tober conceded that the Bureau of Enforcement (BOE) could put on evidence that would show a violation of section 10(b)(2)(A). Transcript (11/14/07) at 8.

Tober's concession suggests that the claim of violation of section 10(b)(2)(A) could be resolved on stipulated facts and memoranda filed by the parties arguing the law to be applied to the stipulated facts. Accordingly, on or before June 20, 2008, BOE and Tober shall file a joint memorandum setting forth a schedule for submissions by the parties that would lead to a decision on the remaining claim against Tober.

  
Clay G. Guthridge  
Administrative Law Judge