

**( S E R V E D )**  
**( JULY 27, 1993 )**  
**( FEDERAL MARITIME COMMISSION )**

**FEDERAL MARITIME COMMISSION**

**WASHINGTON, D. C.**

July 27, 1993

**DOCKET NO. 93-13**

**WORLDBLINK LOGISTICS, INC.**

**v.**

**HYUNDAI MERCHANT MARINE CO., LTD.**

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**COMPLAINT DISMISSED**

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By letter dated July 26, 1993, complainant requests that its complaint be dismissed without prejudice and that all further proceedings in this matter be terminated. The request is granted.

The case began with the filing of a complaint by Worldlink Logistics, Inc. (Worldlink) which alleged that respondent Hyundai Merchant Marine Co., Ltd. (Hyundai) had violated section 8(c) of the Shipping Act of 1984 and the Commission's regulations by failing to make available the essential terms of a service contract to Worldlink, a shipper similarly situated

to another shipper having a service contract with Hyundai. Worldlink asked for a cease and desist order and for reparations.

Hyundai, which filed a slightly belated answer, asserted that it had satisfied the complaint and that any dispute under the service contract was outside the Commission's jurisdiction under section 8(c) of the 1984 Act. After verifying that a service contract between Worldlink and Hyundai was in fact filed with the Commission, Worldlink requested that its complaint be withdrawn, as noted above.

The Commission has long followed the Federal Rules of Civil Procedure as guidelines when they do not conflict with administrative law or particular Commission rules of procedure. (See *Miscellaneous Amendments to Rules of Practice and Procedure*, 26 SRR 902, 904 (1993); 46 CFR 502.12, as amended.) Under Rule 41(a)(2), a complainant may request dismissal of its complaint but, when an answer has been filed, such dismissal must be addressed to the court which may attach terms and conditions to the order of dismissal. Such dismissals are usually without prejudice. This proceeding has not progressed beyond opening pleadings, and no reason appears why special conditions need be attached to the order of dismissal.

Accordingly, the complaint is dismissed without prejudice, as requested.



Norman D. Kline  
Administrative Law Judge