



The requested documents 16 goes towards establishing section 41102( c) violation, that "the claimed acts or omission of the regulated entity are occurring on a normal, customary, and continuous basis." It is to be noted that a lawsuit alleging fraud against the Respondent was filed by an individual consumer in 2018 in the US District Court, Easter District of California. *Sameer v. The Right Move, Michelle Franklin..No. 18-16046 (9th Cir. 2019)*. The Complainant has reason to believe that there may be other complaints and lawsuits filed against the respondent for unreasonable business practices.

The Complainant had intended to initiate a second set of interrogatories based on the responses received from the first set of interrogatories. Due to Respondent's disobedience, the Complainant has not been able to initiate a second set of interrogatories.

**Facts Alleged by the Complainant:**

1. Respondent used unjust or unfair means for monetary gain by receiving \$2595.00 to ship and transport Complainant's property from Alexandria, Virginia to Karachi, Pakistan, knowing full well that Respondent was not going to pay for ocean transportation.
2. The Respondent forwarded Complainant's cargo to Troy Container Line Ltd without paying the ocean transportation.
3. The Respondent benefitted financially from obtaining ocean transportation for Complainant's property without paying Troy Container Line Ltd, the applicable ocean transportation cost.
4. The Respondent knowingly and willfully acted in bad faith for monetary gain in violation of the Shipping act.
5. The Complainant's cargo was withheld at the Port in Karachi, Pakistan and the Complainant had to pay Troy's representative ocean transportation in Karachi, Pakistan and incur other financial and monetary losses.
6. The Respondent failed to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, and delivering Complainant's property. The claimed acts or omission involving deceptive business practices were occurring on a normal, customary, and continuous basis.
7. That "The Right Move, Inc" and the person Michal Franklin, also known as Michelle Franklin are not separate entities. "The Right Move, Inc" is used as a façade for personal dealings by the Respondent.
8. That the assets and liabilities of "The Right Move, Inc" are the same as the assets and liabilities of Michal Franklin also known as Michelle Franklin who treats the assets of "The Right Move, Inc as her own assets.
9. That the Respondent is personally liable and is not protected by the corporate veil.
10. The Respondent in bad faith breached the agreement that she entered into with the Complainant.
11. The Respondent made false statements to the Complainant and the Honorable Judge.
12. That the Respondent defrauded the Complainant for monetary gain.

13. Respondent's failure to pay for ocean transportation set in motion a series of events and circumstances that caused financial damages / losses to the complainant.

### **Damages to the Complainant**

The complainant had to additionally pay, TROY's agent CP World, out of pocket \$1,107.97 (157,000 Rupees) owed by the respondent to get the cargo released. *See Formal Complaint exhibit 9.*

The complainant had to pay an additional \$55.00 per day container demurrage / detention charge for 17 days (April 7<sup>th</sup> through April 23<sup>rd</sup>), a total of \$935.00 (132,536.00 rupees); *See <https://www.maersk.com/en/local-information/pakistan/import> ; beyond the 7-day free time, because of the delay caused by the respondent's failure to pay. See Formal Complaint exhibits 11, 12 & 13.*

Furthermore, the complainant had intended to stay in Karachi for only 3 nights for the customs clearance process. However, due respondent's failure to pay the shipping, the complainant had to stay at a hotel in Karachi for additional 18 nights, and pay a total of 388,500 Rupees in hotel lodging at a rate of 18,500 rupees per night. For the additional 18 nights lodging the total comes out to 333,000 rupees or \$2,350.03. *See Formal Complaint exhibit 14.*

In addition, the complainant had to pay taxi charges at the least in the amount of about \$7.76 (1100 Rupees) per day or \$116.40 for 15 days to get to and from MAERSK Office, CP World Office, Western Union and hotel etc.

As already mentioned, the complainant had intended to stay in Karachi for only 3 days. However, due respondent's failure to pay shipping, the complainant had to stay at a hotel in Karachi for additional 18 days resulting in meals and incidental expenses (M&IE) incurred by the complainant. According to the U.S State Department the M&IE rate set for Karachi is \$82 per day. The total M&IE comes out to 18 X \$82 = \$1,476.00

*See [https://aoprals.state.gov/web920/per\\_diem\\_action.asp?MenuHide=1&CountryCode=1166](https://aoprals.state.gov/web920/per_diem_action.asp?MenuHide=1&CountryCode=1166)*

In April 2019, the price of dollar in the open market against the rupee fluctuated between 141 to 142 rupees per dollar. Therefore, the exchange rate used in this calculation is 141.70 rupees per dollar, which was also the rate used by MAERSK shipping company.

|   |                   |
|---|-------------------|
| <u>Respondent's shipping dues paid by the complainant</u> | <u>\$1,107.97</u> |
| <u>Container charges</u>                                  | <u>\$935.00</u>   |
| <u>Complainant's taxi charges</u>                         | <u>\$116.40</u>   |
| <u>Complainant's lodging for 18 nights in Karachi</u>     | <u>\$2,350.00</u> |
| <u>Complainant's M&amp;IE for 18 days in Karachi</u>      | <u>\$1,476.00</u> |
| Total Compensatory Damages/ Losses:                       | <b>\$5,985.40</b> |

The Commission has the legal authority to grant the complainant the relief sought pursuant to Commission rules; based on authorities granted to the Commission under 46 U.S.C. § 41102(a) and 46 U.S.C. § 41102(c).

### **RELIEF SOUGHT**

The Complainant is being prejudiced by Respondent's repeated failures to obey the Honorable Judge's Orders. Therefore, consistent with 46 CFR § 502.150(b) and the Honorable Judge's Orders, the Complainant hereby moves for a finding that the facts alleged by the Complainant are taken to be established and requests the honorable judge to issue a default decision. Complainant prays that the Commission rules against the Respondent as follows:

- A. Enter a judgement that the acts and practices of the respondent were in violation of 46 U.S. Code § 41102(a) and 46 U.S. Code § 41102(c).
- B. Award the complainant \$5,985.40 in compensatory damages / losses.
- C. Award the complainant \$73.00 international mail and courier charges used in filing this complaint from Pakistan.
- D. Award the complainant \$2595.00 in restitution.
- E. Issue further order(s) as the Honorable Judge determines to be proper.

Respectfully submitted,



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Muhammad J.Rana (Complainant)

I hereby certify that, on January 23, 2020, a copy of the foregoing attached Motion was sent to the following by the method indicated below:

FMC Administrative Judge  
Erin M. Wirth

VIA Electronic Mail:  
judges@fmc.gov

Michelle Franklin  
D.B.A The Right Move, Inc.

VIA Electronic Mail:  
mfranklin@therightmove4u.com

A handwritten signature in blue ink, appearing to read 'J.R.', is written over a horizontal line.

Muhammad J.Rana (Complainant)

## Docket 19-03 / Discovery Request

Sep 18 at 1:59 AM

**Muhammad Rana** <muhammad.rana@rocketmail.com>  
To: Michelle Franklin <mfranklin@therightmove4u.com>  
1 File 276.1kB

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PDF 276kB

PDF

Complainant's\_Discovery\_Request.pdf

Hi Michele,

The discovery was delayed due to your failure to respond to the complaint, my subsequent motion and Judge's Order to Show Cause. Keep in mind that the Judge's decision regarding my Motion for the Entry of Default and Summary Decision is still pending. In the meantime, I am initiating discovery, attached please find my request for the production of documents and first set of interrogatories.

Let me know if you have questions or if you are willing to discuss the drafting of a joint status report.

Thank you,

Muhammad Rana (Complainant)

**FEDERAL MARITIME COMMISSION, WASHINGTON DC**  
**Office of Administrative Law Judges**

|                             |   |                            |
|-----------------------------|---|----------------------------|
| Muhammad Rana,              | ) |                            |
| Complainant                 | ) | Docket No. 19-03           |
|                             | ) |                            |
| V.                          | ) |                            |
|                             | ) |                            |
| Michelle Franklin,          | ) | Served: September 18, 2019 |
| D.B.A "The Right Move Inc," | ) |                            |
| Respondent                  | ) |                            |

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**COMPLAINANT’S DISCOVERY REQUEST**

The initiation of discovery was delayed due to the respondent’s failure to respond to the complaint. Pursuant to 46 C.F.R. § 502.141-502.150 and the judge’s initial order, the complainant hereby submits this request for the production of documents and first set of interrogatories. The complainant requests the respondent to produce the requested documents and answer each Interrogatory separately, fully, in writing, under oath and under penalty of perjury within thirty (30) days of the service of this request.

The request for the production of documents and interrogatories are continuing in character, so as to require the respondent to produce additional documents and file supplementary answers if new or previously unavailable documents or information comes to the respondent’s possession or knowledge; throughout the course of this complaint or litigation.

**DEFINITIONS**

The words “any” and “all” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. Furthermore, the use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.

Complainant’s “cargo” means complaint’s goods and items that were carried, transported or shipped from Alexandria, Virginia to Karachi, Pakistan under the Bill of Lading number 1239458. “Communication” and “communications” means any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters correspondence, telegrams, facsimiles, electronic mail (email), memoranda, documents, writings, E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages or other forms of communications, including but not limited to both oral and written communications.

“Complainant” means Muhammad J. Rana, the natural person who filed the complaint docket number 19-03 with the Federal Maritime Commission.

“Copies of” as set forth in the instructions means authentic duplicates of the originals as noted, kept, maintained, and organized by the respondent in the ordinary course of business.

“Discussion,” “discussions,” “discuss,” “discusses,” “mention,” “mentions,” “describe,” “describes,” “analyze” or “analyzes” means any and all inquiries, conferences, conversations, negotiations, agreements or other forms or methods of oral communication or such dialogue sent via e-mail, facsimile, letter, telegram, E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages or other written communication.

“Document,” “documents,” “ internal communication,” “internal communications,” “record,” “records,” “written communication,” “written communication,” and “written correspondence” means all data, papers, and books, transcriptions, whether transcribed by hand or by some mechanical, electronic, E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages or other means, including written papers or memoranda which summarize oral conversations, whether in your actual or constructive possession or under your control or not, relating to or pertaining to or in any way to the subject matters in connection which it is used and includes originals, all file copies, all other copies, no matter how prepared and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following: books; records; reports; contracts; agreements; video, audio and other electronic recordings; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); minutes; diaries; calendars; notes; notebooks; correspondence; drafts; bulletins; electronic mail (e-mail); instant messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages facsimiles; circulars; forms; pamphlets; notice; statements; journals; transcripts; electronically stored information (ESI) and any other documents within respondent’s possession, custody or control from which information can be obtained or translated, if necessary, by detection devices into reasonably usable form, i.e. typed in English. “Electronically stored information” means any Information on operational systems including accounting, financial, distribution, or manufacturing systems; E-mail; Instant Messages (IM); Web pages; text messages; whats app messages; skype messages, viber messages, facebook messages, messenger messages, cell phone data; and anything stored on computer or other electronic means located on or in, but not limited to hard drive, USB drive; disks; CDs, cell phones; IM tools.

“Identify” (person). When referring to a person, “identify” means to give, to the extent known, the person’s full name, present or last known address, telephone number, and when referring to a natural person, the present or last known place of employment.



“Identify” (business, company or a corporation). When referring to a business, company or a corporation, “identify” means to give, to the extent known, full name, present or last known address, telephone number.

“Identify” (document). When referring to a document, “identify” means to give, to the extent known, the following information: (a) the type of document; (b) the general subject matter of the document; (c) the date of the document; (d) the authors, address, and recipients of the document; (e) the location of the document; (f) the identity of the person who has custody of the document.

The words “or” and “and” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. The use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.

“Make payment” means transfer, transmittance, transmittal, delivery or exchange of money, currency, check, debit, credit or bank transfers.

"Person" means any individual(s), natural person, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, organization, office or other business or legal entity.

"Relating to" means containing, constituting, considering, comprising, concerning, discussing, regarding, describing, reflecting, studying, commenting or reporting on, mentioning, analyzing, or referring, alluding, or pertaining to, in whole or in part.

“Representative” means any individual(s), natural person, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, organization, office or other business or legal entity, chosen or appointed to act or speak for the respondent or the Right Move Inc.

“Request” and “Requests” means and are limited to the numerical requests set forth in this motion for production of documents.

“Respondent” means Michele Franklin listed as the respondent in the FMC complaint docket number 19-03; who does or did business as the Right Move Inc and operates or operated the Right Move Inc.

“Third party” means any individual(s), natural person, corporation, company, partnership, joint venture, firm, association, proprietorship, agency, organization, office or other business or legal entity who may be indirectly involved in any transaction related to the shipping, delivery or transportation of complainants goods / cargo / items.

## DOCUMENT REQUESTS

1. Any and all written correspondence or written communication between the respondent or any person / representative acting on behalf of the Right Move Inc and Troy Container Line, Ltd from February 6, 2019 till the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods / cargo / items.
2. Any and all records of oral communication between the respondent or any person acting on behalf the Right Move Inc and Troy Container Line, Ltd from February 6, 2019 till the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods, cargo or items.
3. Any and all internal communication from February 2, 2019 till the present date between the respondent and any or all employees of the Right Move Inc that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods, cargo or items.
4. Any and all written correspondence or written communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any other person(s) or individual(s) between February 6, 2019 and the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods / cargo / items.
5. Any and all records of oral communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any other person(s) or individual(s) between February 6, 2019 and the present date that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainants goods, cargo or items.
6. Any and all written communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any third party or company used to make payment(s) that relate directly to the Bill of Lading number 1239458; and the shipping , delivery, transportation of complainant's goods / cargo / items.
7. Any and all records of oral communication between the respondent or any person / representative acting on behalf of the Right Move Inc and any third party or company used to make payment(s) that relate directly to the Bill of Lading number 1239458; and the shipping, delivery, transportation of complainants goods / cargo / items.
8. Name and identity of the natural person, business, company, organization, corporation, firm that was used to make payment(s) to TROY Container Line Ltd, or anyone else in connection with the Bill of Lading number 1239458; and the shipping, delivery, transportation of complainant's goods / cargo / items.

9. Proof that the respondent paid for the shipping, delivery, transportation of complainant's goods / cargo / items or for the shipping / transportation / delivery of goods associated the Bill of Lading number 1239458.
10. The most recent or the current business license issued to the Right Move Inc.
11. All of the Right Move Inc's Articles of Incorporation.
12. All of the Right Move Inc's Partnership Agreements.
13. The most recent full business tax return of the Right Move Inc. Social security number(s) on the tax return can be whited / blacked out.
14. Any and all stock certificates of the Right Move Inc.
15. All Operating Agreement(s) of the Right Move Inc.
16. Any and all documents that directly relate to complaints, lawsuits, litigation, civil actions against the respondent or the Right Move Inc where a violation of 46 U.S. Code § 41102(c) [formerly § 10(d)(l) of the Shipping Act] was alleged.
17. Any and all documents identified, directly or indirectly, in your answers to interrogatories.

#### **INTERROGATORIES**

- 1) Please identify each person who answered these interrogatories and each person (attach pages if necessary) who assisted, including attorneys, accountants, employees of third party entities, or any other person consulted, however briefly, on the content of any answer to these interrogatories.
- 2) Please identify any person(s) or business or company or any third party that was involved in making payments or transmitting or transferring payments associated with Bill of Lading number 1239458; or the shipping or transportation of complainant's cargo?
- 3) Please identify the method that was used by the respondent or by the Right Move Inc to transfer money or make payments to TROY Container Line Ltd for the shipping or transportation of complainant's cargo?
- 4) Please identify any person(s) or business or company or any third party that was involved in the making payments or transmitting or transferring payments associated with Bill of Lading number 1239458; or the shipping or transportation of complainant's cargo?

- 5) Please identify the person(s) or entities that are or were directly or indirectly involved with the shipping, delivery, transportation of complainant's goods / cargo / items?
- 6) Did the respondent or the Right Move Inc, pay for the shipping, delivery, transportation of the complainant's cargo / goods / items? Who did the respondent pay to? What method of payment was used by the respondent?
- 7) In emails to the complainant, the respondent claimed that a company that was used to make payments to TROY Container Line Ltd, issued a refund to the respondent: Please identify this company, along with the date of refund and the amount of refund that was issued to the respondent?
- 8) Did the respondent use or avail the services of a third party or another company to make payments to TROY Container Line Ltd?
- 9) Did the respondent use or avail the services of a third party or another company to make payments for the shipping, delivery, transportation of complainant's goods / cargo / items?
- 10) Please explain why the respondent used or availed the services of a third party or another company to make payments for the shipping, delivery, transportation of complainant's cargo / goods / items?
- 11) Please give the date when the respondent used or availed the services of a third party or another company to make payments for the shipping, delivery, transportation of complainant's goods / cargo / items?
- 12) Please give the amount of OTI surety bond the respondent had at the time of shipping, delivery, transportation of complainant's goods / cargo / items?
- 13) Please explain why the respondent's OTI surety bond was revoked by the Federal Maritime Commission in July 2019?

Respectfully submitted,



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Muhammad J.Rana (Complainant)

I hereby certify that, on September 18, 2019, a copy of complainant's Request for the Production of Documents and first set of Interrogatories was sent to the following by the method indicated below:

Michelle Franklin  
D.B.A The Right Move, Inc.

VIA Electronic Mail:  
mfranklin@therightmove4u.com

A handwritten signature in blue ink, appearing to read 'MJR', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Muhammad J.Rana (Complainant)