



FEDERAL MARITIME COMMISSION

[Docket No. 26-07]

Down Quark Systems, LLC and SunnySide Digital, Inc., *Complainants* v. Zim American Integrated Shipping Services Co., LLC; Zim Integrated Shipping Services, Ltd.; and Port of Houston Authority of Harris County, Texas, *Respondents*; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (the “Commission”) by Down Quark Systems, LLC and SunnySide Digital, Inc. (collectively, the “Complainants”) against Zim American Integrated Shipping Services Co., LLC; Zim Integrated Shipping Services, Ltd.; and Port of Houston Authority of Harris County, Texas (collectively, the “Respondents”). Complainants state that the Commission has subject-matter jurisdiction over this Complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 40101 *et seq.*

Complainant Down Quark Systems, LLC is a limited liability company organized and existing under the laws of the state of Delaware with its principal place of business in Delaware.

Complainant SunnySide Digital, Inc. is a corporation organized and existing under the laws of the province of Ontario, Canada, with its principal place of business in Ontario, Canada.

Complainants identify respondent Zim Integrated Shipping Services, Ltd. as a global ocean carrier with its principal place of business located in Haifa, Israel, whose agent in the United States is respondent Zim American Integrated Shipping Services Co., an entity with its principal place of business located in Norfolk, Virginia. Complainants state that the Commission has personal jurisdiction over the “Zim Respondents” as, collectively, a “vessel operating ‘ocean common carrier’” as that term is defined by 46 U.S.C. 40102(7) and (18).

Complainants identify respondent Port of Houston Authority of Harris County, Texas (“Houston Bayport”) as a governmental entity organized and existing under the laws of the state

of Texas with its executive offices in Houston, Texas. Complainants state that the Commission has personal jurisdiction over Houston Bayport as a marine terminal operator as that term is defined by 46 U.S.C. 40102(16) and 46 CFR 525.1(c)(13).

Complainants allege that Respondents violated, *inter alia*, 46 U.S.C. 41102(c); 41104(a)(2)(A), (a)(14)–(15)(B), (c); 41106(2); and 46 CFR 541.1–541.8 and 545.5. Complainants allege these violations arose from the assessment of demurrage and “dwell” charges during periods of time in which Complainants’ ability to move its containers was constrained due to circumstances beyond its control, the charging of fees without issuance of proper invoices, the failure to publish separate demurrage rates for unique container types, the filing of two retaliatory lawsuits in United States District Court, and other acts or omissions by Respondents.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/26-07/>. This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by May 26, 2027, and the final decision of the Commission shall be issued by December 10, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c))

Served: May 26, 2026.

David Eng,
Secretary.

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