

(“Receiver”). In complying with its statutory duty to resolve the institution in the method that is least costly to the deposit insurance fund (see 12 U.S.C. 1823(c)(4)), the FDIC facilitated a transaction in which MB Financial Bank, N.A., Chicago, Illinois, assumed all of the deposits and a portion of the assets of the failed institution.

Section 11(d)(11)(A) of the Federal Deposit Insurance Act, 12 U.S.C. 1821(d)(11)(A), sets forth the order of priority for distribution of amounts realized from the liquidation or other resolution of an insured depository institution to pay claims. Under the statutory order of priority, administrative expenses and deposit liabilities must be paid in full before any distribution may be made to general unsecured creditors or any lower priority claims.

As of December 31, 2010, the value of assets available for distribution by the Receiver, together with anticipated recoveries, was \$1,485,477,307. As of the same date, administrative expenses and depositor liabilities equaled \$2,599,960,134, exceeding available assets and potential recoveries by at least \$1,114,482,827. Accordingly, the FDIC has determined that insufficient assets exist to make any distribution on general unsecured creditor claims (and any lower priority claims) and therefore all such claims, asserted or unasserted, will recover nothing and have no value.

Dated: May 11, 2011.

**Robert E. Feldman,**  
*Executive Secretary.*

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## FEDERAL MARITIME COMMISSION

[Docket No. 11-08]

### **Ndahendekire Barbara v. African Shipping; Njoroge Muhia; Alco Logistics, Llc; Brenda Alexander; and AIR 7 Seas Transportlogistics, Inc.; Notice of Filing of Complaint and Assignment**

Notice is given that a complaint has been filed with the Federal Maritime Commission (“Commission”) by Ndahendekire Barbara, hereinafter “Complainant,” against African Shipping; Njoroge Muhia, ALCO Logistics, LLC; Brenda Alexander; and Air 7 Seas Transport Logistics, Inc.; hereinafter “Respondents”. Complainant asserts that she is acting agent for Ndahendekire Foundation located in Mbarara, Uganda. Complainant alleges that: Respondent African Shipping specializes in international cargo

shipping; Respondent Njoroge Muhia is Chief Executive Officer for African Shipping; Respondent ALCO Logistics, LLC, is a freight forwarding and logistics company; Respondent Brenda Alexander is an acting agent for ALCO Logistics, LLC; and Respondent Air 7 Seas Transport Logistics, Inc., is a freight forwarding company.

Complainant alleges that Respondents, in connection with the shipment of two containers and chassis to Mombasa Kenya, violated Section 10(d)(1) of the Shipping Act, 46 U.S.C. 41102(c), by “failing to ensure that Ms. Barbara[‘s] (sic) container was delivered safely, securely and on time to the required destination.” Specifically, Complainant alleges that Respondents “Mr. Muhia and African Shipping are in full breach of contract by contracting with other shippers and not paying the shippers, allowing the containers and chassis to be delivered to the wrong location, not notifying Ms. Barbara of the delivery, allowing demurrages to incur, requesting additional payments for delivery and release of the chassis and containers.” Complainant also alleges that Respondents thereby caused “Ms. Barbara additional shipping cost as well as the loss of her contract for supplying medical supplies and equipment.”

Complainant asks “that respondent be required to answer the charges herein; that after due hearing, an order be made commanding said respondent (and each of them); to cease and deist (sic) from the aforesaid violations of said act(s); to establish and put in force such practices as the Commission determines to be lawful and reasonable; to pay said complainant by way of reparations for the unlawful conduct \* \* \* the sum of One Hundred Fifty Thousand Dollars and zero cents (\$150,000), with interest and attorney’s fees or such sum as the Commission may determine to be proper as an award of reparation; and that such other and further order or orders be made as the Commission determines to be proper in the premises.”

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits,

depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by May 9, 2012 and the final decision of the Commission shall be issued by September 6, 2012.

**Karen V. Gregory,**  
*Secretary.*

[FR Doc. 2011-11888 Filed 5-13-11; 8:45 am]

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## FEDERAL TRADE COMMISSION

[File No. 091 0013]

### **Southwest Health Alliances, Inc., Doing Business as BSA Provider Network; Analysis of Agreement Containing Consent Order To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before June 10, 2011.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “Southwest Health, File No. 091 0013” on your comment, and file your comment online at <https://ftcpublish.commentworks.com/ftc/southwesthealthalliances>, by following the instructions on the Web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex D), 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** John P. Wiegand (415-848-5174), FTC, Western Region, San Francisco, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade