



January 19, 2025

## **Executive summary:**

This briefing document reviews the importation of two shipping containers of commercial bakery equipment and accessories imported by BiBi Foods, LLC, a U.S. citizen, minority-owned, startup company in Aurora, CO, from a broker/supplier in Jebel Ali, UAE.

The shipment was transported by Hapag-Lloyd and arrived at the Port of Houston, TX, on September 24, 2024. Since CBP detention on September 27, 2024, BiBi Foods has experienced significant delay in receiving their shipment, far beyond the expected date of delivery in Aurora, CO on or before October 15, 2024.

From September 27, 2024, through November 27, 2024, BiBi Foods cooperated promptly, fully, and transparently with CBP to address CBP questions about their detained shipment. Documentation from BiBi Foods to CBP provided a comprehensive breakdown of the shipment contents, including ovens, packaging equipment, spare parts, and consumables.

Since November 27, 2024, BiBi Foods has remained ready, willing, and able to do more, but no communication has been received by BiBi Foods from CBP since November 27, 2024, so BiBi Foods does not know what else they should do.

## **Immediate CBP Action Requested**

As of January 20, 2025, BiBi Foods faces an extremely urgent, existential challenge: how to immediately resolve the CBP hold on their detained equipment which is essential for the survival of BiBi Foods. BiBi Foods desperately needs immediate action by CBP to explain the delay, mitigate further financial losses, and ensure the continued viability of BiBi Foods.

Having done everything they know how to do to respond to CBP requirements, BiBi Foods now seeks: (1) to understand the current status of their detained shipment; (2) to learn what else, if anything, is required from BiBi Foods for CBP to release their shipment from detention; (3) to learn what options, if any, CBP has to reduce or waive detention fees during the review process.; and (4) to learn when this situation will be resolved.

## **Important Facts and Findings:**

### **Shipment Details:**



- Two 40' High Cube containers: FDCU0172524 and NIDU5211178
- Airway Bill/Bill of Lading: HLCUDX3240632156
- Customs entry #: AC1-63431714
- Shipping line: Hapag-Lloyd
- Origin: Jebel Ali, UAE
- Destination: Aurora, CO
- Arrived at Port of Houston: September 24, 2024

### **Shipment Contents:**

- Three large, high-volume, commercial flatbread ovens, partially disassembled to fit into containers
- Bread packaging equipment
- Spare parts for ovens and packaging equipment
- Consumable packaging materials
- Miscellaneous items (e.g., dough mixer, air compressor, brooms, towels)

### **Business purpose of shipment:**

- Ovens and packaging equipment required to commence initial baking operations of new, start-up Persian bakery concept
- BiBi Foods aims to fill a gap in the local market for fresh, authentic Middle Eastern flatbreads, targeting a diverse customer base
- **From BiBi Foods' Business Plan:** "Within a five-mile radius of BiBi Foods' location, there exists a rich tapestry of residents hailing from the Middle East... Despite the vibrant cultural diversity, there's a noticeable absence of freshly baked breads that authentically cater to the tastes and preferences of this community."
- The detained ovens are capable of producing three types of flatbread as per BiBi business plan (Sangak, Taftoon, and Lavash).
- These ovens are optimal for BiBi Foods because they operate similar to a standard pizza oven, require only roof ventilation, and can produce the high-volume output required for BiBi Foods to meet their delivery commitments to retailers.
- Bibi Foods had great difficulty locating and purchasing the ovens and related equipment at an already sunk cost of USD \$348,235.00, so buying replacement equipment from a different supplier is not an option.

### **Detention details:**

- Detention Notice No. 1727456004603: September 27, 2024
- Reason for Detention: 19 USC 1499(c)
- CBP Detaining Officer: Jamison Male 713 454 8002
- BiBi initial request for expedited decision: October 21, 2024
- CBP conducted tests and inquiries (details not provided to BiBi)



- 30-day extension to the review process issued, prompting BiBi's second request for expedited decision: November 27, 2024
- Most recent communication from CBP to BiBi Foods: November 27, 2024
- Current status of containers and detention: Unknown to BiBi Foods

### Detention Impacts:

- Mounting detention fees charged by Hapag-Lloyd, including per diem charges, facility usage fees, chassis rental, and X-Ray examination fees.
- Total amount due for container NIDU5211178 as of October 17, 2024: \$9,291.75
- Total amount due for container FDCU0172524 as of October 17, 2024: \$8,991.75
- Additional fees accruing daily, including yard storage at \$250 per day
- Lost revenue from flatbread sales due to the inability to commence bakery operations on schedule as per BiBi Foods Business Plan
- Negotiations with major retailers (e.g. Kroger and Costco) for shelf space in their stores on hold
- Negotiations with commercial landlord for optimal bakery operations lease space on hold
- Loss of credibility with major retailers and commercial landlord
- Instead of being used for budgeted start-up operations, BiBi Foods' initial working capital is nearly depleted from accrued and ongoing detention costs.
- **From BiBi Foods' initial request for expedited decision on October 21, 2024:** "The delay is significantly affecting our ability to begin operations, and as a small business with limited resources, these disruptions could have serious financial consequences."
- **From BiBi Foods' second request for expedited decision on November 27, 2024:** "As a small, minority-owned startup with limited resources, this additional delay will have devastating financial consequences for our business."

### Cast of Characters

- **Abolghasem Esmaeili:** Owner/Operator of BiBi Foods. He is the primary contact person for the business and is actively involved in communicating with CBP and other parties regarding the shipment of his bakery equipment.
- **Mahmoud Esmaili:** Involved in the operations of BiBi Foods and co-manager. He handles financial and business development activities on behalf of the business.
- **Officer Jamison G. Male:** A CBP officer responsible for the inspection and review of BiBi Foods' imported goods. She is the recipient of the correspondence from Abolghasem Esmaeili regarding the detained containers. Phone: (713) 454-8002; Email: [jamison.g.male@cbp.dhs.gov](mailto:jamison.g.male@cbp.dhs.gov)



- **Officer Ruben D. Agosta:** A CBP officer responsible for the inspection and review of BiBi Foods' imported goods. He is the recipient of the correspondence from Abolghasem Esmaeili regarding the detained containers and requesting resolution of the detention by a supervisor. Email: [ruben.d.acosta@cbp.dhs.gov](mailto:ruben.d.acosta@cbp.dhs.gov)
- **Natalie M. Ramos Rosario:** A CBP officer responsible for directing the disposition of the packing materials used to ship BiBi Foods' imported goods. She is the CBP point of contact with Amber Agosto, the employee of Gallagher Transport International, Inc. Phone: 832-753-2700 Ext: 2756; Email: [natalie.m.ramosrosario@cbp.dhs.gov](mailto:natalie.m.ramosrosario@cbp.dhs.gov)
- **Amber Agosto:** An employee of Gallagher Transport International, Inc., BiBi Food's customs broker. She is listed as the contact person for Gallagher Transport on the Sea Waybill.
- **Paramount Shipping & Forwarding LLC:** The freight forwarder responsible for arranging the international transport of BiBi Foods' bakery equipment.
- **Easy Shop General Trading LLC:** The supplier of the bakery and packaging equipment to BiBi Foods.
- **Hapag-Lloyd (America) LLC:** The shipping company contracted to transport BiBi Foods' equipment from Jebel Ali UAE to Houston, TX.
- **Gallagher Transport International, Inc.:** The customs broker appointed by BiBi Foods to handle customs clearance and related logistics in the US.
- **Custom Goods CES:** The company CBP uses for handling the above-mentioned containers located in Houston, TX.

## Timeline of Events:

### June 13, 2024:

- Hapag-Lloyd issues original booking confirmation (HL-10519598) to Paramount Shipping & Forwarding for the transport of two 40' high cube containers from Jebel Ali, UAE to Houston, TX.
- Paramount Brothers Trading FZC LLC issues invoice PRB-0132/24 to BiBi Foods for the bakery and packaging machinery.

### June 19, 2024:



- Easy Shop General Trading LLC issues their Commercial Invoice No. PRB-0132/24, dated 19.06.2024, on PO Number PARA-B01-11JUN24, showing “Total value” of shipment USD \$348,235.00.
- BiBi Foods pays Paramount Brothers Trading FZC LLC for the bakery and packaging machinery.

#### **June 22, 2024:**

- BiBi Foods packs and seals containers NIDU5211178 and FDCU0172524 at JAT FZE (T3) depot in Jebel Ali.

#### **July 5, 2024:**

- Containers loaded onto the vessel *Cypress* at Jebel Ali.
- Hapag-Lloyd issues Sea Waybill MDRA0101\_352390583 for the shipment.

#### **July 8, 2024:**

- Hapag-Lloyd issues updated booking confirmation (HL-10519598), indicating the shipment has been rolled over from the vessel *Cypress* to the *Cautin* due to a cut and run.

#### **September 16, 2024:**

- Vessel *Cautin* arrives in Houston, TX.

#### **September 24, 2024:**

- Containers NIDU5211178 and FDCU0172524 are made available at the Barbours Cut Terminal in Houston.

#### **September 27, 2024:**

- CBP initiates inspection of containers, issuing form AC163431714\_Form\_6051D\_9\_27\_2024.

#### **October 1, 2024:**

- Gallagher Transport International, acting on behalf of BiBi Foods, is issued guarantee of exam charges (CESX2409024264) for container FDCU0172524.

#### **October 2, 2024:**



- Abolghasem Esmaeili sends a letter to CBP Officer Male explaining the contents of the detained containers and providing a detailed packing list.

**October 17, 2024:**

- Gallagher Transport International is issued a second guarantee of exam charges (CESX240902426402) for container NIDU5211178.

**October 21, 2024:**

- Abolghasem Esmaeili sends a formal request for expedited decision on the detained items to Officer Male.

**October 25, 2024:**

- CBP continues inspection, issuing form AC163431714\_Form\_6051D\_10\_25\_2024.

**October 30, 2024:**

- Mahmoud Esmaili makes a payment of \$2,319.85 to Hapag-Lloyd via PayPal.

**November 5, 2024:**

- Mahmoud Esmaili makes a payment of \$231.41 to Hapag-Lloyd via PayPal.

**November 27, 2024:**

- Abolghasem Esmaeili sends a second, urgent request for resolution on the detained items to Officer Male, expressing concern over a new 30-day extension in the review process. Requesting Officer Agosta to follow up and escalate to the supervisor.

**January 19, 2025:**

- Abolghasem Esmaeili sends a third, urgent request for resolution on the detained items to Officer Male.



October 21, 2024

RE: **Expedited Decision on Detained Items**  
Airway Bill, B/L, Etc.: **HLCUDX3240632156**  
Container number(s): **FDCU0172524, NIDU5211178 (2 Containers)**  
Customs entry #: **AC1-63431714**

Dear Officer Male,

I hope this message finds you well. I am writing on behalf of our small, minority-owned startup business located in southeast Aurora, CO. Our mission is to provide affordable, high-quality flatbread to our community, which consists of many low-income families. We are operating with a limited budget and are eager to launch our operations as soon as possible to serve our community's needs.

While we understand that U.S. Customs and Border Protection (CBP) has established processes and procedures, and we are fully committed to complying with all laws and regulations, we are concerned about the delay in receiving a decision regarding our detained items. We have diligently provided all requested documentation in a timely and transparent manner and are now seeking an expedited review of this matter.

The delay is significantly affecting our ability to begin operations, and as a small business with limited resources, these disruptions could have serious financial consequences. We respectfully request your assistance in expediting a decision on this matter, which would enable us to move forward and open our bakery to the community we are committed to serving.

If there are any additional documents or information required to facilitate the process, please do not hesitate to inform us. We sincerely appreciate your attention to this matter and look forward to your prompt response.

Thank you for your consideration.

Sincerely,

Abolghasem Esmaili  
Owner/Operator



November 27, 2024

RE: **Urgent Request for Resolution - Detained Items – BiBi Foods**  
Airway Bill, B/L, Etc.: **HLCUDX3240632156**  
Container number(s): **FDCU0172524, NIDU5211178 (2 Containers)**  
Customs entry #: **AC1-63431714**

Dear Officer Male,

Following up on our previous correspondence regarding the detained items for our bakery, BiBi Foods, we are writing to express our **profound concern** about the new 30-day extension in the review process. As a small, minority-owned startup with limited resources, this additional delay will have **devastating financial consequences** for our business.

We understand and respect the necessary procedures of U.S. Customs and Border Protection (CBP). We have diligently provided all requested documentation promptly and transparently and remain committed to complying with all laws and regulations.

However, each day of delay directly translates into lost revenue and mounting expenses. As a business dedicated to serving our community, particularly low-income families, this situation severely hampers our ability to launch our operations and fulfill our mission.

We urge you to reconsider the extension and **prioritize a swift resolution** to this matter. We are eager to begin providing our community with affordable, high-quality flatbread. Please inform us if any further information is needed to expedite this process.

Thank you for your understanding and immediate attention to this urgent matter.

Sincerely,

Abolghasem Esmaeili  
Owner/Operator