

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

---

No. 14-15526

---

D.C. Docket No. 8:13-cv-01408-TBM

KAKAWI YACHTING, INC.,

Plaintiff - Counter Defendant - Appellant,

versus

MARLOW MARINE SALES, INC.,  
MARLOW MARINE SERVICE, INC.,  
MARLOW-MERRILL-STEVENSON, LLC,  
DAVID MARLOW,  
MICHAEL CANNOVA,  
MARLOW YACHTS, LTD,  
MARLOW YACHTS LTD, INC.,

Defendants - Counter Claimants - Appellees.

---

Appeal from the United States District Court  
for the Middle District of Florida

---

(December 21, 2015)

Before WILSON, WILLIAM PRYOR, and GILMAN,\* Circuit Judges.

PER CURIAM:

Kakawi Yachting, Inc. (Kakawi) appeals the district court's grant of summary judgment in favor of defendants Marlow Marine Sales, Inc., Marlow Marine Services, Inc., Marlow-Merrill-Stevens, LLC, David Marlow, Michael Cannova, Marlow Yachts, Ltd., and Marlow Yachts Ltd., Inc. (collectively, Marlow) on all claims. Kakawi alleges that the luxury yacht it purchased from Marlow was defective because it did not meet the unrestricted navigation standards required under the purchase contract.

After a review of the district court's complete and detailed order, the parties' briefs, and having had the benefit of oral argument, we find no reversible error. Given our highly deferential standard of review, we are unable to find an abuse of discretion by the district court in excluding Colin Pegrum's expert testimony and repairs estimate (Estimate) when notice was insufficient to meet disclosure obligations under Rule 26(a)(2). *See* Fed. R. Civ. P. 26(a)(2). Secondly, we find no error in the entry of summary judgment because Kakawi is unable to prove damages without Pegrum's testimony and Estimate. After a searching review of the briefs, complaint, and record, we are unable to find a request by Kakawi to the

---

\* Honorable Ronald L. Gilman, United States Circuit Judge for the Sixth Circuit, sitting by designation.

court for the remedy of specific performance. Therefore, we affirm the district court's judgment.

**AFFIRMED.**