

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

IN THE MATTER OF COOPER  
MARINE & TIMBERLANDS  
CORPORATION, No. 3:15CV00170 JLH (LEAD)  
as Owner *Pro Hac Vice* and Operator;  
and GATX THIRD AIRCRAFT, LLC,  
as Owner of the BARGE CMT 123,  
Official No. 1067600

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ROBERT L. COLEMAN, Special Administrator  
for the Estate of Nicolas Perez Hernandez, and  
his Surviving Heirs and Dependents PLAINTIFF

v. No. 3:15CV00225 JLH

COOPER MARINE & TIMBERLANDS  
CORPORATION, *et al.* DEFENDANTS

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KASSANDRA NIEVES, Individually and as  
Personal Representative of the Estate of Juan Nieves  
and his Surviving Heirs and Dependents PLAINTIFF

v. No. 3:15CV00350 JLH

COOPER MARINE & TIMBERLANDS  
CORPORATION, *et al.* DEFENDANTS

**ORDER**

Defendants Kinder Morgan Energy Partners, L.P. (“KMEP”) and Kinder Morgan Bulk Terminals, Inc. (“Kinder Morgan”) have filed motions for summary judgment pursuant to Federal Rule of Civil Procedure 56 in cases No. 3:15CV00225<sup>1</sup> and No. 3:15CV00350.<sup>2</sup> KMEP and Kinder Morgan argue that they did not own or operate the terminal where the incident took place and that they are entitled to borrowing employer immunity under the Longshore and Harbor Workers’

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<sup>1</sup>Document #98.

<sup>2</sup>Document #84.

Compensation Act. Now, the Court must address the flurry of motions for extension of time that followed KMEP and Kinder Morgans' motions for summary judgment.

First, the Court will address the motions filed in case No. 3:15CV00225. Defendant and third-party plaintiff Logistic Services, Inc. ("LSI") has filed a motion for extension of time to respond pursuant to Rule 56(d). Document #100. LSI requests an extension of time until seven days after the completion of the Rule 30(b)(6) depositions of third-party defendants Dawson Employment Service, Inc. ("Dawson") and Temps, Plus, Inc. ("Temps Plus"). *Id.* at 3. The motion is granted.

Defendant Steel Dynamics Columbus, LLC ("SDI Columbus") also has filed an unopposed motion for extension of time to respond pursuant to Rule 56(d). Document #101. SDI Columbus requests an extension of time until seven days after the completion of the Rule 30(b)(6) depositions of third-party defendants Dawson and Temps Plus. *Id.* The motion is granted.

And defendant Cooper Marine & Timberlands, Corp. ("Cooper Marine") has filed a motion for extension of time to respond pursuant to Rule 56(d) and adopted the arguments SDI set forth in its unopposed motion for extension of time. Document #102. The motion is granted.

Second, the Court will address the motions filed in case No. 3:15CV00350. LSI has filed a motion for extension of time on the same grounds as the motion for extension of time filed in the related case. Document #87. The motion is granted.

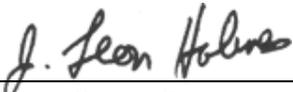
SDI Columbus has also filed a motion for extension of time on the same grounds as the motion for extension of time in the related case. Document #88. The motion is granted.

And defendant Cooper Marine & Timberlands, Corp. ("Cooper Marine") has filed a motion for extension of time to respond pursuant to Rule 56(d) and adopted the arguments SDI set forth in its unopposed motion for extension of time. Document #89. The motion is granted.

## CONCLUSION

The motions for extension of time filed by LSI, SDI Columbus, and Cooper Marine are GRANTED. No. 3:15CV00225, Documents #100, #101, & #102; No. 3:15CV00350, Documents #87, #88, & #89. These parties have until seven days after the Rule 30(b)(6) depositions of third-party defendants Dawson and Temps Plus are completed to file their responses to KMEP and Kinder Morgan's motions for summary judgment, Documents #98 & #84.

IT IS SO ORDERED this 28th day of October, 2016.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE