

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MITSUI O.S.K. LINES, LTD.,)	Case No. 10-cv-5586-SC
)	
Plaintiff,)	ORDER RE: SUPPLEMENTAL
)	<u>BRIEFING</u>
v.)	
)	
ALLIED TRANSPORT SYSTEM (USA),)	
INC.; CENTURION LOGISTICS)	
MANAGEMENT; CENTURION LOGISTICS)	
SERVICES, LTD.; UNION LOGISTICS,)	
INC.; and DOES 1 through 20,)	
)	
Defendants.)	
)	
)	
)	

Now before the court is Plaintiff Mitsui O.S.K. Lines, Ltd.'s ("Plaintiff") Application for Default Judgment against Defendant Centurion Logistics Services, Ltd. ("Defendant"). ECF No. 133 ("Appl."). Plaintiff seeks \$918,348.60 in unpaid freight and \$1,000,000 in falsified trucking charges. Id. ¶¶ 21-35.

In light of the Court's Findings of Fact and Conclusions of Law for Case Numbers 10-cv-05591-SC and 11-cv-02861-SC (the "Decided Cases"), ECF No. 143, the Court requests additional briefing from Plaintiff on the issue of whether granting Plaintiff's Application would result in a double recovery for Plaintiff.

1 One specific issue that Plaintiff should address is the
2 Court's finding that SeaMaster US and SeaMaster HK, defendants in
3 the Decided Cases, could be held liable for fraudulent shipments
4 that Defendant booked under their contracts, because Defendant was
5 their co-loader and their late attempts to disclaim liability based
6 on Defendant's fraudulent shipments were not convincing. See
7 Findings of Fact ¶ 64; Conclusions of Law at 28, 69, 75. Plaintiff
8 should explain whether this interrelationship affects the damages
9 requested in its Application. Plaintiff should also address
10 whether liability should be joint and several in this matter and
11 the Decided Cases.

12 Plaintiff shall submit this information within fourteen (14)
13 days of this Order.

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15 IT IS SO ORDERED.

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17 Dated: March 26, 2013



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UNITED STATES DISTRICT JUDGE

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