

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 Nos. 11-cv-02861-SC
)	10-cv-05591-SC
Plaintiff,)	
)	<u>ORDER TO SHOW CAUSE</u>
v.)	
)	
SEAMASTER LOGISTICS, INC., SUMMIT)	
LOGISTICS INTERNATIONAL, INC.,)	
KESCO CONTRAINER LINE, INC.; KESCO)	
SHIPPING, INC., and DOES 1 through)	
20,)	
)	
Defendants.)	
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Now pending before the Court in the action captioned Mitsui O.S.K. Lines, Ltd. v. Centurion Logistics Mgmt. et al., Case No. 10-cv-5586-SC, is Plaintiff Mitsui O.S.K. Lines, Ltd.'s ("Plaintiff") Application for Default Judgment against Defendant Centurion Logistics Services, Ltd. ("Centurion"). ECF No. 133 ("Appl."), Mitsui v. Centurion, No. 10-cv-5586-SC. Plaintiff seeks \$918,348.60 in unpaid freight and \$1,000,000 in falsified trucking charges against Centurion, which was not a named defendant in the above-captioned cases (the "Decided Cases").

On March 27, 2013, the Court ordered Plaintiff to provide supplemental briefing in its application for default judgment in

1 Mitsui v. Centurion. No. 10-cv-5586-SC, ECF No. 145 ("Mar. 27
2 Order"). The Court requested that Plaintiff explain (1) whether
3 the damages they request against Centurion would result in a double
4 recovery for Plaintiff given the judgment in this action, and (2)
5 whether there are any grounds for finding joint and several
6 liability in this matter and Mitsui v. Centurion's default
7 judgment, if it is entered. Id. at 1-2. Plaintiffs did so.
8 Mitsui v. Centurion, No. 10-cv-5586-SC, ECF No. 146 ("Response to
9 Mar. 27, 2013 Order").

10 At this point, despite Plaintiffs' additional briefing, the
11 Court is not inclined to enter default judgment in Mitsui v.
12 Centurion without permitting Defendants in this action to submit
13 their own briefs on the two issues listed above. Accordingly, the
14 Court gives Defendants leave to file oppositions to Plaintiff's
15 application for default judgment in Mitsui v. Centurion. These
16 briefs are due no later than May 17, 2013, and should be no longer
17 than ten pages. The parties should be prepared to discuss this
18 matter at the hearing on attorneys' fees now scheduled for May 24,
19 2013.

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21 IT IS SO ORDERED.

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23 Dated: April 17, 2013

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25 _____
26 UNITED STATES DISTRICT JUDGE
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