

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,	)	
	)	ORDER GRANTING MOTION TO STAY
v.	)	<u>ENFORCEMENT OF FEE ORDER</u>
	)	
SEAMASTER LOGISTICS, INC., et	)	
al.,	)	
	)	
Defendants.	)	
	)	
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Now before the Court is Plaintiff Mitsui O.S.K. Lines, Ltd.'s ("MOL") motion for setoff or stay of its obligations under the Court's fee order.<sup>1</sup> The motion is fully briefed<sup>2</sup> and appropriate for determination without oral argument per Civil Local Rule 7-1(b). Because the parties agree on the appropriate relief, the Court GRANTS MOL's motion to stay and STAYS execution of the fee

<sup>1</sup> ECF No. 297. The ECF numbers in this Order refer the documents electronically filed in Case No. 11-cv-02861-SC unless otherwise noted.

<sup>2</sup> ECF Nos. 323 ("Mot."), 324 ("Opp."), 325 ("Reply").

1 order, along with consideration of the setoff, pending appeal.

2       These parties tried two cases in early 2013, Case No. 11-cv-  
3 02861 (the "Trucking Case") and Case No. 10-cv-05591 (the "Freight  
4 Case"). MOL prevailed in the Trucking Case but lost in the Freight  
5 Case. The Court awarded attorney's fees to MOL in the Trucking  
6 Case and to Defendants Seamaster Logistics, Inc. ("Seamaster") and  
7 Summit Logistics International, Inc. ("Summit"). The Court also  
8 entered judgment in favor of MOL in the Trucking Case. Defendants  
9 have appealed the judgment and fee order; MOL has also appealed the  
10 judgment but has dismissed its appeal of the fee order. MOL  
11 requests an order setting off Seamaster and Summit's obligations  
12 under the judgment and fee order against MOL's obligations. In the  
13 alternative, MOL asks the Court to stay enforcement of the fee  
14 order until the appeals are resolved.

15       In their opposition brief, Seamaster and Summit objected to  
16 the setoff but did not oppose a stay. Opp. at 3. In its reply,  
17 MOL agreed to a stay and deferral of consideration of its motion  
18 for setoff until the appeal is decided. Reply at 1. Therefore,  
19 the parties are in agreement as to the relief that should be  
20 granted at this time. Accordingly, the Court STAYS execution of  
21 the fee order and consideration of the motion for setoff until the  
22 appeals in these cases are resolved.

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24       IT IS SO ORDERED.

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26       Dated: May 21, 2014

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UNITED STATES DISTRICT JUDGE