

KELLER ROHRBACK L.L.P.
1201 THIRD AVENUE, SUITE 3200, SEATTLE, WASHINGTON 98101-3052

1 Isaac Ruiz (pro hac vice)
Havila C. Unrein (SBN 290806)
2 Kathryn M. Knudsen (pro hac vice)
3 KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
4 Seattle, Washington 98101-3052
(206) 623-1900, Fax (206) 623-3384
5 iruiz@kellerrohrback.com
hunrein@kellerrohrback.com
6 kknudsen@kellerrohrback.com

7 Attorneys for Plaintiff James Bird

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 JAMES BIRD,

12 Plaintiff,

No. 3:14-cv-03277-MEJ

13 v.

**JOINT SUPPLEMENTAL BRIEF
RE: MOTION TO COMPEL JOINDER**

14 KEEFE KAPLAN MARITIME, INC.; AND ERIC
15 KOSTER, D/B/A J&H MARINE, A SOLE
PROPRIETORSHIP,

AND MOTION TO CONTINUE

16 Defendants.

**AND ORDER GRANTING
CONTINUANCE**

17
18
19 **I. INTRODUCTION**

20 On January 29, 2015, the Court ordered the parties to confer and file a joint report on the identity
21 and citizenship of all Underwriters and Names at Lloyd’s of London Subscribing through Premier
22 Marine Insurance Group (USA) (“Underwriters”)—Plaintiff’s insurers—to determine whether joining
23 the Underwriters as parties to this lawsuit would destroy the Court’s diversity jurisdiction. Dkt. 25.
24 Underwriters’ counsel identified today that two Underwriters were California residents during the
25 relevant policy period.
26

27 No. 3:14-cv-03277-MEJ

**JOINT SUPPLEMENTAL
BRIEF RE: MOTION TO
COMPEL JOINDER
AND MOTION TO CONTINUE
AND ORDER**

1 Plaintiff conferred with counsel for Keefe Kaplan Maritime, Inc.’s (“KKMI”), and we jointly
2 request in the Court permit an additional time to prepare a joint report so that the parties are able to
3 research the applicable time period to measure the Underwriters’ residency for determining whether
4 diversity exists.
5

6 II. FACTUAL STATEMENT

7 On Monday, February 9, 2015, Plaintiff’s counsel and counsel for KKMI conferred via telephone
8 regarding the status and procedure to obtain the information requested by the Court. The parties
9 discussed that Premier’s counsel, Christopher Nicoll, is the best resource to determine the identities and
10 citizenships of each Underwriter. At that time, Plaintiff’s counsel had already contacted Mr. Nicoll to
11 obtain the requested information. Today Mr. Nicoll provided a declaration regarding his progress. It is
12 filed contemporaneously with this brief. Mr. Nicoll believes that no Underwriters reside in California as
13 of today’s date. Declaration of Christopher Nicoll ¶ 5. We do know, however, that two of the
14 Underwriters were residents of California during the applicable policy period. *Id.*
15

16 III. MOTION TO CONTINUE

17 Because Plaintiff received Mr. Nicoll’s declaration today, the same date the Court requested a
18 joint report from counsel, the parties have been unable to fully research the proper time period when
19 diversity is established for jurisdictional purposes.
20

21 The parties request that the Court permit the parties to provide a joint report or additional
22 briefing no later than February 19, 2015, so that the parties have time to research and provide
23 supplemental briefing regarding the applicable time period in which diversity is established for
24 jurisdictional purposes.
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED this 12th day of February, 2015.

KELLER ROHRBACK L.L.P.

By /s/ Kathryn M. Knudsen
Isaac Ruiz (pro hac vice)
iruiz@kellerrohrback.com
Havila C. Unrein (SBN 290806)
hunrein@kellerrohrback.com
Matthew J. Preusch (SBN 298144)
Mpreusch@kellerrohrback.com
Kathryn M. Knudsen (pro hac vice)
kknudsen@kellerrohrback.com
1201 Third Avenue, Suite 3200
Seattle, Washington 98101-3052
(206) 623-1900, Fax (206) 623-3384

Attorneys for Plaintiff James Bird

COX, WOOTTON, LERNER, GRIFFIN,
HANSEN & POULOS LLP

By: /s/ Mitchell S. Griffin
Mitchell S. Griffin (SBN 114881)

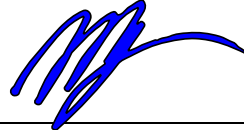
Attorney for Defendant Keefe Kaplan Maritime, Inc.

1 **IV. ORDER**

2 Good cause appearing, the parties' time in which to file a joint report or supplemental briefing
3 pursuant to the Court's January 29, 2015 Order (Docket No. 25) is extended up to and including
4 February 19, 2015.

5 **IT IS SO ORDERED.**

6 Dated this 17 day of February, 2015.

7 

8 _____
9 MARIA-ELENA JAMES
10 United States Magistrate Judge

11 The parties are admonished that in the future if such a request is needed
12 that they should file a separate request and proposed order and not include
13 it in a brief and should be reminded of sending such a request in a more timely
14 manner. The motion remains on calendar for March 5, 2015 at 10:00 a.m.

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record and provide service via electronic mail or U.S. Mail to:

Mitchell S. Griffin
Cox, Wootton, Lerner, Friffin, Hansen & Poulos LLP
190 The Embarcadero
San Francisco, CA 94105
Mgriffin@cwlfirm.com

By: s/Chris Jarman
Chris Jarman, Legal Assistant