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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ROBERT SPOONER,  
Plaintiff,  
v.  
ORACLE RACING, INC., et al.,  
Defendants.

Case No. [15-cv-00692-JCS](#)

**ORDER TO FILE SUPPLEMENTAL  
MATERIALS REGARDING VESSEL  
ARREST WARRANT**

Re: Dkt. No. 1

Plaintiff Joseph Robert Spooner brings this admiralty action for wages that he alleges he is entitled to under contract as a crew member on a racing yacht. Spooner asks the Court to issue a warrant to arrest the vessel *4 Oracle Team USA*, a hydrofoiling AC45-class racing catamaran, based on a preferred maritime lien for seaman’s wages, *see* 46 U.S.C. § 31301(5)(D), and necessities, *see id.* §§ 31301(4), 31342. The Court has reviewed Spooner’s Complaint (dkt. 1) and Notice of Request for Review (dkt. 1-4), and hereby **ORDERS** Spooner to file an additional memorandum of points and authorities and declarations necessary to show that he is entitled to a vessel arrest warrant. Spooner should address any relevant issues bearing on whether a warrant should issue, including but not limited to the following: (1) whether it is proper for the Court to review whether a complaint sufficiently states a claim before issuing an arrest warrant for a vessel; (2) if so, whether Spooner’s Complaint sufficiently alleges that Defendant Oracle Racing, Inc. (“Oracle Racing”) lacked authority to terminate Spooner’s contract; and (3) whether wrongful termination of an employment contract—as opposed to nonpayment of wages for work already completed—gives rise to a maritime lien in these circumstances. Spooner’s supplemental submission(s) must be filed **no later than 10:00 AM PST on Friday, February 20, 2015**.

The Court has been contacted by counsel for Oracle Racing, who indicated that Oracle Racing wishes to oppose Spooner’s request for a warrant. Oracle Racing may file a brief opposing

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the issuance of a warrant **no later than 10:00 AM PST on Friday, February 20, 2015.**<sup>1</sup>

**IT IS SO ORDERED.**

Dated: February 17, 2015

  
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JOSEPH C. SPERO  
Chief Magistrate Judge

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<sup>1</sup> The Court will consider extending the briefing schedule either (1) by stipulation of the parties; or (2) if Oracle Racing consents to a temporary restraining order requiring the vessel to remain within this district until the Court determines whether an arrest warrant should issue.