

1                                    IN THE UNITED STATES DISTRICT COURT  
2  
3                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 LORI WADE,

5                                    Plaintiff,

6                                    v.

7 TSCHUDI SHIPPING COMPANY, A.S., et  
8 al.,

9                                    Defendants.  
\_\_\_\_\_ /

10 BRIAN STACY,

11                                    Plaintiff,

12                                    v.

13 REDERIET OTTO DANIELSEN, A.S.; K/S  
14 ARIES SHIPPING; and MARINCONSULT SHIP  
15 MANAGEMENT,

16                                    Defendants.  
\_\_\_\_\_ /

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18                                    This consolidated action arises from a July 13, 2007 collision  
19 between the Eva Danielsen and the F/V Buona Madre, which resulted  
20 in the death of the fishing vessel's captain. Plaintiff Lori Wade,  
21 widow of the decedent, brought claims for wrongful death against  
22 Defendants Tschudi Shipping Company, A.S., et al. Plaintiff Brian  
23 Stacy, who owned and operated the F/V Marja, charged Defendants  
24 Rederiet Otto Danielsen, A.S.; K/S Aries Shipping; and Marinconsult  
25 Ship Management with negligent infliction of emotional distress  
26 (NIED).

27                                    On January 15, 2009, the Court held that Stacy failed to state  
28 a claim for NIED and dismissed his complaint with leave to amend.

1 Stacy chose not to amend his complaint and appealed the Court's  
2 ruling. Wade voluntarily dismissed her claim following a  
3 settlement.

4 On June 29, 2010, the Ninth Circuit concluded that Stacy plead  
5 a cognizable NIED claim, reversed this Court's judgment and  
6 remanded his case for further proceedings. The Ninth Circuit's  
7 mandate issued on August 20, 2010.

8 In light of the Ninth Circuit's opinion, the Court sets an  
9 initial case management conference for September 28, 2010 at 2:00  
10 p.m. The parties shall file their joint case management conference  
11 statement by September 21, 2010.

12 IT IS SO ORDERED.

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14 Dated: August 30, 2010



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CLAUDIA WILKEN  
United States District Judge