

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: IN THE MATTER OF
LA CARRIERS, LLC
AS OWNER AND OPERATOR
OF THE M/V KAREN KOBY**

CIVIL ACTION

NO. 22-4987

SECTION: "P" (4)

ORDER AND REASONS

Before the Court is a "Motion to Quash Subpoenas and to Exclude Evidence Obtained from Improper Subpoenas" filed by Limitation Claimant, Rigid Constructors, LLC ("Rigid").¹ Limitation Petitioner, LA Carriers, LLC ("LA Carriers") has filed an opposition.² Rigid's motion is **GRANTED IN PART** and **DENIED WITHOUT PREJUDICE IN PART**, as explained below.

Having considered Rigid's motion and LA Carriers' opposition, it appears LA Carriers issued seven subpoenas requesting records from various entities without affording proper notice to Rigid. Only one of the subpoenas, however, the one issued to United Marine Surveying, LLC ("United Marine"), generated a return, and LA Carriers delivered the materials it received from United Marine to Rigid on November 22, 2023.

Therefore, premises considered, the Court hereby GRANTS Rigid's motion with respect to the remaining six subpoenas, and IT IS ORDERED that the subpoenas issued to the following entities are hereby QUASHED:

1. Budwine & Associates, LLC;
2. River Services Company, LLC;
3. Brymar Marine, LLC;

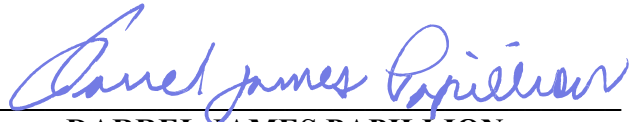
¹ R. Doc. 74.

² R. Doc. 84.

4. Metallurgical & Materials Technologies;
5. Leary Engineering, Inc.; River Services Company, LLC; and
6. John W. Stone Oil Distributor, LLC.

With respect to the deficient subpoena LA Carriers issued to United Marine, the Court DENIES, WITHOUT PREJUDICE, Rigid's motion to exclude evidence obtained through the defective subpoena, reserving judgment on the exclusion of any such evidence until trial.³ If LA Carriers attempts to use any evidence obtained from the subpoena to United Marine at trial, Rigid can raise the issue at that time, and the Court will make an appropriate ruling in light of all the relevant facts and circumstances.

New Orleans, Louisiana, this 13th day of December 2023.



DARREL JAMES PAPHILLION
UNITED STATES DISTRICT JUDGE

³ It is unclear whether LA Carriers plans to use any materials it may have received from United Marine at trial because a review of the objections to trial exhibits did not reveal objections related to the improper acquisition of any proposed exhibit through a defective subpoena, but Rigid's rights are nonetheless reserved on this point.