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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 LEXINGTON INSURANCE COMPANY; and
8 PORT OF BELLINGHAM,

9 Plaintiffs,

v.

10 ROBERT J. LANGEI, as Personal Representative
11 of the Estate of Jim (James) A. Langei; and
LORA MOREN, as Personal Representative of
the Estate of Sterling Taylor,

12 Defendants,

v.

13 DUTRA CONSTRUCTION CO., INC.; and
14 ELITE ELECTRICAL CONTRACTORS INC.,

15 Third-Party Defendants.

C12-946 TSZ

16 In re DAVID L. PETERSON; DAVID D.
17 CAHALAN, et al.; ROGER G. SMITH, et al.;
RANDLE CARR; DANIEL RINGLER;
18 STEVEN ERSHIG; WILLIAM DODGE, et al.;
MICHAEL F. ROBERTS, et al.; ALLAN S.
TROUPIN; KRIS AAMOT as Personal
19 Representative of the Estate of Allyn C. Deets;
and ROGER SCHJELDERUP, et al.

C12-1829 TSZ

MINUTE ORDER

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21 Having heard the oral arguments of counsel at a hearing held on February 9, 2016,
22 at which (i) the Port of Bellingham (the "Port") was represented by Frank Chmelik, Seth
Woolson, Katie Matison, Katie Fairchild, Travis Kennedy, and Robert Fix, (ii) Elite

1 Electrical Contractors Inc. (“Elite”) was represented by Suzanne Michael, and (iii) the
2 Estates of Jim Langei and Sterling Taylor, the Personal Representative of which are
3 Robert Langei and Lora Moren, respectively (the “Estates”), were represented by Emma
4 Gillespie, Mark Wilkerson, and Eric Gillett, the Court enters the following Minute Order:

5 (1) The Port’s motion for spoliation remedies, docket no. 205, and Elite’s
6 joinder in the Port’s motion, docket no. 221, are DENIED in part as to the remedy of
7 dismissal of the wrongful death claim brought by the Langei Estate, and DEFERRED in
8 part as to alternative sanctions.

9 (2) The Estates’ motion for spoliation remedies, docket no. 232, is DENIED.

10 (3) The Court will issue a separate order explaining its reasoning.

11 (4) The Clerk is DIRECTED to send a copy of this Minute Order to all counsel
12 of record.

13 Dated this 11th day of February, 2016.

14 William M. McCool
15 Clerk

16 s/Karen Dews
17 Deputy Clerk