

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 CORNING JAPAN K.K.,

9 Plaintiff,

10 v.

11 EXPEDITORS INTERNATIONAL  
12 OCEAN, INC.; and YANG MING  
13 LINE,

14 Defendants.

C14-1629 TSZ

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable  
16 Thomas S. Zilly, United States District Judge:

17 (1) Defendant Expeditors International Ocean, Inc.'s motion for summary  
18 judgment, docket no. 11, is DENIED. Defendant's challenges to the invoices, survey  
19 report, and other documents relating to damages submitted by plaintiff Corning Japan  
20 K.K. go only to the form or weight of plaintiff's evidence, and defendant's objections do  
21 not prevent the Court from considering plaintiff's materials in deciding defendant's  
22 motion. *See Nev. Dep't of Corr. v. Greene*, 648 F.3d 1014, 1019 (9th Cir. 2011) ("At  
23 summary judgment, 'a party does not necessarily have to produce evidence in a form that  
would be admissible at trial.'"); *Fraser v. Goodale*, 342 F.3d 1032, 1036 (9th Cir. 2003)  
("At the summary judgment stage, we do not focus on the admissibility of the evidence's  
form. We instead focus on the admissibility of its contents."); *see also Campanelli v.*  
*Allstate Life Ins. Co.*, 93 Fed. App'x 159 (9th Cir. 2004) (holding that the district court  
erred in granting summary judgment because the reasons given for disregarding certain  
declarations went "to their weight, not their admissibility"). Having reviewed all papers  
filed in support of and in opposition to defendant's motion, the Court concludes that  
genuine disputes of material fact preclude summary judgment. *See* Fed. R. Civ. P. 56(a).

1 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

2 Dated this 2nd day of September, 2015.

3 William M. McCool  
4 Clerk

5 s/Karen Dews  
6 Deputy Clerk

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23