

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 STEPHEN D. SPEELMON,

CASE NO. C16-1526-JCC

10 Plaintiff,

ORDER

11 v.

12 MITCHELL TUCKER and SMV
13 PACKERS, INC.,

14 Defendants.

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16 This matter comes before the Court on Defendants' motion to amend answer, affirmative
17 defenses, and counterclaims (Dkt. No. 13). Defendants seek to add counterclaims against
18 Plaintiff for negligence and indemnification. (*Id.* at 1–2.) Defendants' proposed counterclaims
19 are based on injuries sustained by a crew member, Mr. Chris Logan, of the SALMON BEAUTY,
20 who has asserted injury claims against Defendants in a separate action. (*Id.*) The pleading
21 amendment/third-party action deadline was May 5, 2017. (Dkt. No. 12.) Defendants filed their
22 motion to amend in time. (Dkt. No. 13.)

23 Plaintiff opposes the amendment, arguing that it would be futile because (1) Plaintiff has
24 no direct liability to Mr. Logan under the Jones Act, and (2) Defendants have no remedy for
25 indemnity under Washington partnership law. (Dkt. No. 14 at 4, 8.) While it is possible that
26 Defendants' counterclaims against Plaintiff could be dismissed, this is a matter more

1 appropriately addressed on a motion to dismiss. The Court will not consider the merits of the
2 claims at this time. Accordingly, Defendants' motion for leave to amend answer, affirmative
3 defenses, and counterclaims (Dkt. No. 13) is GRANTED. Defendants shall file an amended
4 answer within 14 days of this order.

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6 DATED this 20th day of June, 2017.

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8 A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

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10 John C. Coughenour
11 UNITED STATES DISTRICT JUDGE
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