

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRETT PANKEY,

Plaintiff,

V.

DOMINATOR FISHERIES LLC, *in personam* and F/V ISLE DOMINATOR (Official Number 1246391), *in rem*,

Defendants.

CASE NO. 2:17-cv-164-BAT

**ORDER DIRECTING
DEFENDANTS TO FILE ANSWER
OR RESPONSIVE PLEADING**

Plaintiff Brett Pankey filed a complaint in admiralty, *in personam* and *in rem* for wages and punitive damages. Dkt. 1. Notices of appearance “solely for the limited purposes of contesting” [subject matter and personal] jurisdiction, venue, sufficiency of process and service of process, and failure to state a claim, were entered on behalf of Defendants Dominator Fisheries LLC and F/V Isle Dominator on June 15, 2017 and September 4, 2017. Dkts. 10 and 11.¹ On September 20, 2017, the Honorable Marsha J. Pechman reassigned this case to the undersigned based on the parties’ consent to proceed before a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). Dkts. 14 and 15.

¹ Also pending, but not yet ripe for consideration, is Plaintiff's motion to recoup expenses and fees relating to service. Dkt. 13.

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PLEADING - 1

In their Joint Status Report, the parties identified “defendants’ challenge to jurisdiction /venue” as the only complexity in moving this case forward. Dkt. 14. To date, no answer or responsive pleading has been filed. The Court sees no purpose in issuing a scheduling order if in fact, jurisdiction or venue are not proper in this district. Therefore, it is **ORDERED:**

1. Defendants shall file an answer or responsive pleading **by October 4, 2017**. If Defendants choose to file a motion to dismiss in lieu of an answer, they shall note the motion for hearing for the fourth Friday after filing and service of the motion pursuant to Local Rule 7(d)(3). Any opposition papers shall be filed and served no later than the Monday before the noting date. Any reply papers shall be filed and served no later than the noting date.

2. The Clerk shall send a copy of this Order to the parties.

DATED this 21st day of September, 2017.


BRIAN A. TSUCHIDA
United States Magistrate Judge