

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.

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

5 1. Defendants shall file an answer or responsive pleading **by October 4, 2017**. If
6 Defendants choose to file a motion to dismiss in lieu of an answer, they shall note the motion for
7 hearing for the fourth Friday after filing and service of the motion pursuant to Local Rule
8 7(d)(3). Any opposition papers shall be filed and served no later than the Monday before the
9 noting date. Any reply papers shall be filed and served no later than the noting date.

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

11 DATED this 21st day of September, 2017.

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14 BRIAN A. TSUCHIDA
United States Magistrate Judge