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 REGARDING VENUE/ JURISDICTION

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.

In their Joint Status Report, the parties identified "defendants' challenge to jurisdiction /venue" as the only complexity in moving this case forward. Dkt. 14. Plaintiff states that he "is willing to move to transfer venue to the District of Alaska upon receipt of a sworn statement that defendants do not do business or conduct fishing operations in the Western District of Washington." Dkt. 14 at 1. On September 21, 2017, the Court declined to issue a scheduling

order until the issue of jurisdiction and/or venue is resolved. Dkt. 16. In response, defendants filed an answer to the Complaint, but assert as affirmative defenses, that this Court lacks *in personam* jurisdiction over Dominator Fisheries LLC and *in rem* jurisdiction over Isle Dominator, and that plaintiff's employment contract with Dominator Fisheries LLC mandates venue of his claims in Alaska state court in Kodiak or a United States District Court in the District of Alaska. Dkt. 19 at 2-3.

Therefore, it is **ORDERED:**

1. If the parties agree that this case should be transferred to the District of Alaska, the parties shall submit a proposed order of transfer to the Court **by October 10, 2017**.

2. If the parties cannot agree to a transfer of venue, defendants shall file a motion challenging jurisdiction and/or venue **by October 10, 2017**. Plaintiff shall file a response **by October 17, 2017.** Defendants shall file a reply **by October 24, 2017**.

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

DATED this 3rd day of October, 2017.

BRIAN A. TSUCHIDA
United States Magistrate Judge