

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FISH LLC, a Delaware limited liability
company,

Plaintiff,

v.

HARBOR MARINE MAINTENANCE &
SUPPLY, INC., a Washington corporation,

Defendant.

HARBOR MARINE MAINTENANCE &
SUPPLY, INC., a Washington corporation,

Third-Party Plaintiff,

v.

ZANE WHITE,

Third-Party Defendant.

IN ADMIRALTY AND AT LAW

No. 2:17-cv-00245-JCC

STIPULATION FOR FILING
AMENDED COMPLAINT AND
ORDER

STIPULATION

The parties hereto, plaintiff Fish LLC and defendant/third-party plaintiff Harbor Marine Maintenance & Supply, Inc., by and through their undersigned counsel of record, hereby stipulate and agree as follows:

1. In its complaint, Fish LLC asserted both this Court's admiralty and diversity jurisdiction and asserted a designation of its claims under Fed. R. Civ. P. 9(h). (See Dkt. No. 1

STIPULATION FOR FILING AMENDED
COMPLAINT AND ORDER - 1
NO. 2:17-CV-00245-JCC

ATTORNEYS AT LAW
BAUER MOYNIHAN & JOHNSON LLP
2101 FOURTH AVENUE - SUITE 2400
SEATTLE, WASHINGTON 98121-2320
(206) 443-3400

1 at 1-2.) Fish LLC wishes to have its claims tried before a jury pursuant to Fed. R. Civ. P. 38,
2 and to avoid any uncertainty in that respect Fish LLC seeks to amend its complaint to rescind
3 the Rule 9(h) designation and to demand a trial by jury. The initial status conference for this
4 case is scheduled for May 23, 2017. (See Dkt. No. 4.) As this case is in its very early stages,
5 trial has not yet been set, discovery has not commenced, and no prejudice to Harbor Marine
6 Maintenance & Supply, Inc. has occurred, the parties agree that plaintiffs may file an amended
7 complaint as set forth in Exhibit A hereto without a Rule 9(h) designation and with a jury
8 demand. In so agreeing, Harbor Marine Maintenance & Supply, Inc. reserves all its defenses
9 and does not waive any arguments it has or may have with respect to plaintiffs' asserted right
10 to a jury trial.

11 2. In addition, in answer to Fish LLC's complaint, Harbor Marine Maintenance &
12 Supply, Inc. has filed a counterclaim against Fish LLC and a third-party complaint against
13 Zane White, the asserted sole member of Fish LLC. Fish LLC's undersigned counsel has
14 agreed to accept service of process of the third-party complaint against Zane White, an asserted
15 citizen and resident of Wyoming. However, to simplify the posture of this case, the parties
16 have agreed to add Zane White as an additional plaintiff under Fed. R. Civ. P. 19(a) to allow
17 complete relief among the existing parties as set forth in Exhibit A hereto. Joinder of Zane
18 White as an additional plaintiff will not deprive this Court of subject matter jurisdiction as
19 there continues to be complete diversity of citizenship of the parties as alleged in the proposed
20 amended complaint. Harbor Marine Maintenance & Supply, Inc. agrees to amend its third-
21 party complaint to restate it as a counterclaim against Zane White. In so agreeing, the parties
22 reserve all their rights and defenses to all claims, counterclaims and third-party claims.

23 3. Pursuant to LCR 10(g) and LCR 15, attached as Exhibit A is Plaintiffs'
24 proposed Amended Complaint with changes shown. Upon acceptance by this Court of the
25 stipulation set forth above as requested by the parties, plaintiffs will file their Amended
26 Complaint within ten days thereafter.

1 DATED this 19th day of April, 2017.

2 BAUER MOYNIHAN & JOHNSON LLP

3 /s/ Matthew C. Crane
4 Matthew C. Crane, WSBA No. 18003

5 /s/ Robert D. Sykes
6 Robert D. Sykes, WSBA No. 49635
7 Attorneys for Plaintiff Fish LLC and Third-Party
8 Defendant Zane White

9 DATED this 19th day of April, 2017.

10 NICOLL BLACK & FEIG PLLC

11 /s/ W. L. Rivers Black (per authorization)
12 W. L. Rivers Black, WSBA No. 13386

13 /s/ Jeremy B. Jones (per authorization)
14 Jeremy B. Jones, WSBA No. 44138
15 Attorneys for Defendant/Third-Party Plaintiff
16 Harbor Marine Maintenance & Supply, Inc.

17 **ORDER**

18 It is so Ordered.

19 DATED this 25 day of April, 2017.

20 
21 _____

22 John C. Coughenour
23 UNITED STATES DISTRICT JUDGE