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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CERTAIN UNDERWRITERS at LLOYD'S,  
LONDON, Subscribing to Policies Numbered  
8029663, 8001778, 8071754, 8072492,  
8072737, and 8071620,

Plaintiffs,

vs.

JEFF PETTIT, an individual,

Defendant.

IN ADMIRALTY

No. 2:17-cv-00259

STIPULATED MOTION AND ORDER  
WITHDRAWING PLAINTIFF'S  
MOTION IN LIMINE REGARDING  
EXPERT SUPPLEMENTAL REPORT  
AND AGREEMENT FOR PAYMENT  
OF COSTS AND RELATED MATTERS

**I. STIPULATED MOTION**

The parties hereto, plaintiffs, CERTAIN UNDERWRITERS at LLOYD'S, LONDON, Subscribing to Policies Numbered 8029663, 8001778, 8071754, 8072492, 8072737, and 8071620, and defendant Jeff Pettit, by and through their respective counsel, in order to resolve a discovery dispute over a late production of a Supplemental Report by defendant Jeff Pettit's expert Mike Fitz, do jointly stipulate that plaintiffs will withdraw their Motion In Limine to Strike Defendant's Untimely Expert Report of Mike Fitz, set for consideration on October 19, 2018, in consideration for plaintiffs' striking their motion, defendant will make Mike Fitz available for deposition on Wednesday October 17, 2018, which deposition will be limited to the information in and opinions expressed by Mr. Fitz in his Supplemental Report. Additionally

STIPULATED MOTION AND ORDER  
WITHDRAWING PLAINTIFF'S MOTION IN LIMINE  
REGARDING EXPERT SUPPLEMENTAL REPORT  
AND AGREEMENT FOR PAYMENT OF COSTS AND  
RELATED MATTERS - 1

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**LEE · SMART**

P.S., Inc. · Pacific Northwest Law Offices

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Tel. 206.624.7990 · Toll Free 877.624.7990 · Fax 206.624.5944

1 defendant agrees to pay FIVE THOUSAND DOLLARS (\$5,000.00) to the trust account of Nicoll  
2 Black and & Feig, PLLC, and pay the court reporter fee for the original expedited deposition  
3 transcript of Mr. Fitz's deposition. Defendant also agrees that Mr. Fitz will not offer any opinions  
4 concerning the operation of the fire suppression system on the IN DECENT SEAS or its impact  
5 on the fire propagation of the fire of February 21, 2014 at trial in this matter. There will be no  
6 other or further restrictions on the opinions expressed by Mr. Fitz in his Supplemental Report  
7 dated September 17, 2018, and plaintiffs withdraw their objections to the photographs taken by  
8 Mr. Fitz, and produced by defendant in his Eleventh Supplemental Response to Discovery dated  
9 September 18, 2018. Additionally, plaintiffs, at their own expense, may request their expert Paul  
10 Way to prepare a rebuttal report which shall be produced to defendant no later than October 24,  
11 2018. Defendant has the option to depose Mr. Way on October 26, 2018.

12 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD  
13 DATED this 15th day of October, 2018.

14  
15 LEE SMART, P.S., INC.  
16 /s/ Donna M. Young  
17 Donna M. Young, WSBA No. 15455  
18 Attorneys for Defendant Jeff Pettit

19  
20 NICOLL BLACK & FEIG PLLC  
21 /s/ Christopher W. Nicoll  
22 Christopher W. Nicoll, WSBA No. 20771  
23 Chris P. Reilly, WSBA No. 25585  
24 Attorneys for Plaintiff Certain Underwriters  
25 At Lloyds

1 **ORDER**

2 Pursuant to the above stipulations, the Court hereby orders that:

3 (1) Plaintiff's Motion In Limine to Strike Defendant's Untimely Expert Report of Mike  
4 Fitz, set for consideration on October 19, 2018, is hereby stricken from the court calendar;

5 (2) Defendant shall pay FIVE THOUSAND DOLLARS (\$5,000.00) to the trust account  
6 of Nicoll Black and & Feig, PLLC;

7 (3) Mike Fitz shall appear for deposition on October 17, 2018, for a deposition limited to  
8 the facts and opinions expressed in the Supplemental Report dated September 17, 2018;

9 (4) Defendant shall pay the court reporter fee for the original expedited deposition  
10 transcript of Mr. Fitz's deposition of October 17, 2018;

11 (5) Mike Fitz will not offer any opinions concerning the operation of the fire suppression  
12 system on the IN DECENT SEAS or its impact on the fire/propagation of the fire of February  
13 21, 2014 at trial in this matter;

14 (6) Plaintiffs will not object to the admission of the photographs relied on by Mr. Fitz in  
15 the Supplemental Report dated September 17, 2018, or the additional photos produced by  
16 defendant on September 18, 2018 and plaintiffs will need move for any restriction on the opinions  
17 of Mr. Fitz other than specified herein;

18 (7) Plaintiffs, at their own expense, may request their expert Paul Way to prepare a  
19 rebuttal report which shall be produced to defendant no later than October 24, 2018. Defendant  
20 has the option to depose Mr. Way on October 26, 2018 concerning that rebuttal report if any.

21 Dated this 15 day of October 2018.

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23 RICARDO S. MARTINEZ  
24 CHIEF UNITED STATES DISTRICT JUDGE

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Presented by:  
LEE SMART, P.S., INC.

By: /s/ Donna M. Young/  
Donna M. Young, WSBA No. 15455  
Of Attorneys for Defendant Jeff Pettit

NICOLL BLACK & FEIG PLLC

/s/ Christopher W. Nicoll  
Christopher W. Nicoll, WSBA No. 20771  
Chris P. Reilly, WSBA No. 25585  
*Attorneys for Plaintiff Certain Underwriters  
At Lloyds*