

THE HON. JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OLYMPIC TUG & BARGE, INC. a
Washington corporation, and HARLEY
MARINE FINANCING, LLC, a Delaware
limited liability company,

Plaintiffs,

v.

LOVEL BRIERE, LLC, a Nevada limited
liability company,

Defendant.

IN ADMIRALTY

Case No. 2:22-cv-01530-JLR

~~[PROPOSED]~~ STIPULATION AND
ORDER REGARDING AMENDED
COUNTERCLAIMS

NOTE ON MOTION CALENDAR
(SAME DAY MOTION):
FRIDAY, JANUARY 13, 2023

WHEREAS, on November 21, 2022, Defendant, Lovel Briere, LLC, filed its Answer, Affirmative Defenses, and Counterclaims (the “Original Counterclaims”) (ECF No. 23);

WHEREAS, on December 12, 2022, Plaintiffs, Olympic Tug & Barge, Inc., and Harley Marine Financing, LLC (together, “Plaintiffs”) moved to dismiss the Original Counterclaims (ECF No. 28) (the “Motion to Dismiss”);

WHEREAS, on January 9, 2023, Defendant filed: (i) a response in opposition to the Motion to Dismiss (ECF No. 30); and (ii) a motion to amend the Original Counterclaims (the “Motion to Amend”) (ECF No. 31);

WHEREAS, the parties believe that the interests of judicial economy would be best served by Plaintiffs (1) withdrawing their pending Motion to Dismiss the Original

1 Counterclaims; and (2) consenting to Defendant amending the Original Counterclaims as
2 proposed in the Motion to Amend (the “Amended Counterclaims”), without prejudice to
3 Plaintiffs’ right to respond to the Amended Counterclaims by motion or otherwise.

4 NOW THEREFORE, the parties having conferred and subject to the Court’s approval,
5 hereby agree as follows:

6 1. Plaintiffs hereby withdraw their Motion to Dismiss the Original Counterclaims
7 (Dkt. # 28).

8 2. Defendant’s Motion to Amend (Dkt. # 31) is GRANTED. Defendant shall file its
9 Amended Counterclaims within fourteen (14) days of the Court’s entry of this stipulated
10 Order.

11 3. Plaintiffs shall move or otherwise respond to the Amended Counterclaims no later
12 than twenty-one (21) days after Defendant files them.

13 DATED this 13th day of January, 2023.

14
15 /s/ Kevin H. Marino
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{22914/0001/03073667-1}
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Case No. 2:22-cv-01530-JLR - 2

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IT IS SO ORDERED.

DATED THIS 17th day of January, 2023



The Honorable James L. Robart
UNITED STATES DISTRICT JUDGE

1 PRESENTED BY:

2 /s/ Kevin H. Marino

3 Kevin H. Marino

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