

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAMINA, LLC, as owner of the vessel, *M/V PAMINA* (Official Number 1143720), BRIAN PICKERING and LAURIE PICKERING, as sole members of PAMINA, LLC, and MARKEL AMERICAN INSURANCE COMPANY, as subrogee of Pamina, LLC, Brian Pickering and Laurie Pickering,

Third-Party Plaintiffs,

v.

DELTA MARINE INDUSTRIES, INC., N C POWER SYSTEMS CO., GLENDINNING PRODUCTS LLC, and DOCKMATE, INC.,

Third-Party Defendants,

IN ADMIRALTY

No. 2:22-cv-01679-KKE

**JOINT STIPULATED MOTION  
FOR TRIAL CONTINUANCE AND  
ORDER**

**HEARING DATE:  
October 31, 2023**

IN RE: COMPLAINT AND PETITION OF PAMINA, LLC, as owner of the vessel, PAMINA, FOR EXONERATION FROM OR LIMITATION OF LIABILITY

**I. RELIEF REQUESTED**

The parties to this action hereby jointly move the Court, pursuant to Fed. R. Civ. P. 6(b)(1), to extend the discovery deadline and deadline for submitting expert reports by ninety (90) days, for good cause shown, as hereinafter set forth.

JOINT STIPULATED MOTION FOR TRIAL CONTINUANCE AND ORDER - 1

NO. 2:22-CV-01679-KKE

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1 **II. STATEMENT OF THE FACTS**

2 This is a case of admiralty and maritime jurisdiction brought under 28 U.S.C. §1333  
3 and filed pursuant to Rule 9(h) of the Federal Rules of Civil Procedure and Rule F,  
4 Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil  
5 Procedure. The case arises from a maritime accident involving the Vessel, *Pamina*. On May 28,  
6 2022, the Vessel, while transiting through the Ballard Locks in Seattle, Washington, allegedly  
7 and without warning, started to move in reverse while the engine control levers were in neutral  
8 causing collisions with multiple other vessels and causing damages to these vessels as well as  
9 to the *Pamina*.  
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11 On November 22, 2022, *Pamina*, and its owners and insurer, initiated this action by  
12 filing a Complaint for Exoneration from Limitation of Liability (“LOLA” action). On  
13 January 19, 2022, this Court, pursuant to Supplemental Admiralty Rule F (3), ordered all other  
14 actions arising from this maritime accident stayed until the termination of the LOLA action and  
15 further ordered that any claimant wishing to assert a claim in the LOLA action must do so by  
16 March 1, 2023.  
17

18 On March 1, 2023, *Pamina* and its owners, Brian and Laurie Pickering, and its insurer,  
19 Markel American Insurance Company (*Plaintiffs-In-Limitation*), filed a Third-Party Complaint  
20 (and First Amended Complaint on July 6, 2023) against Third Party Defendants, DELTA  
21 MARINE INDUSTRIES, INC, N C POWER SYSTEMS CO., GLENDINNING PRODUCTS  
22 LLC, and DOCKMATE, INC., alleging that the damages related to this maritime accident  
23 arose due to these parties’ negligent inspections, installation, supervision, or maintenance of the  
24 Vessel’s engine systems. Alternatively, it is alleged that GLENDINNING PRODUCTS LLC  
25 and/or DOCKMATE, INC. defectively designed and/or defectively manufactured the electronic  
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1 and/or wireless engine control systems or component parts thereof. In addition to numerous  
2 affirmative claims filed by the parties, cross claims have been filed in this action by Third-Party  
3 Defendants against one another.

4 In addition to *Plaintiffs-In-Limitation*, five (5) other interested parties have filed claims.  
5 Also, as noted, there are four (4) parties against whom claims of negligence and defective  
6 design and manufacturing have been brought and these parties have asserted cross claims  
7 against one another. Resolution of the case will require extensive written discovery. In addition,  
8 the parties have engaged experts. Also, it is anticipated that the depositions of all interested  
9 parties and of their experts will be required to resolve this claim.

10  
11 The parties' counsel have conferred and agree that additional time is required to  
12 complete discovery than currently allowed under the Court's ORDER SETTING TRIAL  
13 DATES entered on May 17, 2023. Pursuant to the Court's current case scheduling order, the  
14 parties' expert reports are due on December 4, 2023, and the discovery deadline is January 3,  
15 2024. Notwithstanding best efforts and progress towards the completion of discovery, given the  
16 number of party claimants, Third-Party Defendants, and experts engaged by these parties in the  
17 case, it will require approximately an additional ninety (90) days to produce expert reports and  
18 complete discovery. Below is a proposed timeline:  
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<i>Activity</i>	<i>Current Date</i>	<i>Proposed Date</i>
BENCH TRIAL DATE	July 1, 2024	<b>October 7, 2024</b>
Reports from experts	December 4, 2024	<b>March 4, 2024</b>
Discovery Completed by	January 3, 2024	<b>June 14, 2024</b>
Dispositive motions filed by	February 4, 2024	<b>July 12, 2024</b>
Motions in limine filed by	May 28, 2024	<b>August 28, 2024</b>

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Joint pretrial statement	June 3, 2024	<b>September 3, 2024</b>
Pretrial conference	June 18, 2024	<b>September 18, 2024</b>
Length of bench trial	7-10 days	7-10 days

### **III. LAW AND ARGUMENT**

Federal Rule of Civil Procedure 6(b)(6) authorizes a district court to grant timely motions to extend time for “good cause.” Fed. R. Civ. P. 6(b)(1) (upon a showing of good cause, a court may extend a deadline to act “if a request is made before the original time or its extension expires ...”). *See also Lujan v. Nat’l Wildlife*, Fed. 497 U.S. 871, 896 (1990) (cause must be shown before enlargement of time is granted). “Good cause” is a “non-rigorous standard,” but still requires the requesting party to provide a reasonable explanation as to why, despite the party's diligence, the set deadline cannot be met. *United States v. Navarro*, 800 F.3d 1104, 1109 (9<sup>th</sup> Cir. 2015). The plain language of the rule demonstrates that the good cause standard in the rule is at a court's discretion. (“the court *may*, for good cause, extend the time”) (emphasis added); *Manzano v. California Dept. of Motor Vehicles*, 467 Fed. Appx. 683, 685 (9<sup>th</sup> Cir. 2012) (recognizing abuse of discretion standard as to FRCP 6(b)).

The parties’ joint motion to extend the deadlines in this case is brought before the Court now, well prior to the existing deadlines. Also, the parties submit that their request meets the requirement that a showing of good cause must be made for this Court to grant this Motion. The ‘good cause’ shown are the facts set forth above concerning the number of party claimants, Third-Party Plaintiffs and Third-Party Defendants. These parties have filed affirmative claims, third-party claims, and cross claims. Moreover, it is anticipated that these numerous parties will retain experts to assist the parties in determining the cause and responsibility for the maritime accident the subject of this case.

1 **IV. CONCLUSION**

2 For good cause shown, the parties respectfully request that the Court grant their Motion,  
3 pursuant to Fed. R. Civ. P. 6(b)(1)(A), to extend the deadline for submitting expert reports by  
4 ninety (90) days, to March 6, 2024, and that the discovery deadline be extended to March 24,  
5 2024, and that all other case dates, including the trial date, be continued by ninety (90) days to  
6 dates convenient to the Court.

7 Dated this 27<sup>th</sup> day of October, 2023

Dated this 30<sup>th</sup> day of October, 2023

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18 Dated this 25<sup>th</sup> day of October, 2023

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1 Dated this 23<sup>rd</sup> day of October, 2023

Dated this 24<sup>th</sup> day of October, 2023

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*Counsel for Atlantic Specialty Ins. Co.*

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s/ Joseph Tabrisky

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3 Dated this 30<sup>th</sup> day of October, 2023

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**ORDER**

The Court GRANTS the parties' stipulated motion. Dkt. No. 99. The parties are now required to follow the following case schedule to prepare this matter for trial:

<i>Activity</i>	<i>Current Date</i>	<i>Proposed Date</i>
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DATED: October 31, 2023



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Kymberly K. Evanson  
United States District Judge