

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA

4 NATIVE VILLAGE OF NAKNEK,

5 Plaintiff,

6 v.

7 JONES PACIFIC MARITIME, LLC, et al.,

8 Defendants.

CASE NO. C14-5740 BHS

ORDER GRANTING MOTION TO
SHOW CAUSE

9 This matter comes before the Court on Defendants Harvey B. Jones and Jones Pacific
10 Maritime, LLC's (collectively "Jones") motion for order to show cause why arrest of the vessel
11 *SEAHORSE*, on 292012, should not be vacated. Dkt. 30. The Court has considered the
12 pleadings filed in support of and in opposition to the motion and the remainder of the file and
13 hereby grants the motion for the reasons stated herein.

14 **I. PROCEDURAL HISTORY**

15 On September 19, 2014, Plaintiff Native Village of Naknek ("Naknek") filed a complaint
16 against Jones *in personam* and the ship F/V *SEAHORSE* ("*SEAHORSE*") *in rem* in an action to
17 clear title to *SEAHORSE* and restore her possession to Naknek. Dkt. 1. Naknek also filed an
18 emergency motion for arrest of the vessel *SEAHORSE*. Dkt. 2. On September 18, 2014, the
19 Court granted Naknek's motion. Dkt. 6. On October 7, 2014, the *SEAHORSE* was arrested.
20 Dkt. 11.

21 On December 11, 2014, Naknek moved for judgment on the pleadings. Dkt. 19. On
22 March 16, 2015, the Court denied Naknek's motion. Dkt. 28.

1 On March 26, 2015, Jones filed this motion for an order to show cause. Dkt. 30. On
2 April 6, 2015, Naknek responded. Dkt. 33. On April 10, 2015, Jones filed a reply. Dkt. 36.

3 II. DISCUSSION

4 Jones asserts a right to a show cause hearing under the Supplemental Admiralty Rules of
5 procedure, which provide in relevant part as follows:

6 **Procedure for Release From Arrest or Attachment.** Whenever property is
7 arrested or attached, any person claiming an interest in it shall be entitled to a
8 prompt hearing at which the plaintiff shall be required to show why the arrest or
9 attachment should not be vacated or other relief granted consistent with these
10 rules.

11 Fed. R. Civ. P. Supp. Admiralty Rule E(4)(f).

12 In this case, the Court is without discretion to deny Defendants' a hearing because the
13 rule says that Defendants "shall be entitled to a prompt hearing" *Id.* Therefore, the Court
14 grants the motion.

15 III. ORDER

16 Therefore, it is hereby **ORDERED** that Jones's motion for order to show cause (Dkt. 30)
17 is **GRANTED** and a show cause hearing is set for May 27, 2015, at 2:30 PM. The briefing
18 schedule is as follows: Naknek's opening brief due 5/19/2015; Jones' response brief due
19 5/22/2015; Naknek's reply brief due 5/26/2015.

20 Dated this 13th day of May, 2015.

21
22


BENJAMIN H. SETTLE
United States District Judge