

Robert P. Blasco, Esq.
Hoffman & Blasco, LLC
9360 Glacier Hwy., Ste. 202
Juneau, AK 99801
(907) 586-3340
(907) 586-6818 (fax)
Attorneys for the Defendants
rpblasco@hoffmanblasco.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

**CRUISE LINES INTERNATIONAL
ASSOCIATION ALASKA, and CRUISE
LINES INTERNATIONAL
ASSOCIATION,**

Plaintiffs,

v.

**THE CITY AND BOROUGH OF
JUNEAU, ALASKA, a municipal
corporation, RORIE WATT, in his
official capacity as City Manager,**

Defendants.

Case No.: 1:16-cv-00008-HRH

**JOINT STATUS REPORT AND JOINT PROPOSAL REGARDING
SCHEDULING AND PLANNING ORDER DATES**

Pursuant to the Court's order entered May 22, 2017 (ECF No. 56), Plaintiffs Cruise Lines International Association Alaska and Cruise Lines International Association ("Plaintiffs") and Defendants City and Borough of Juneau, Alaska and Rorie Watt ("Defendants") (collectively, the "Parties") hereby submit the following proposal to modify the dates set forth in the Amended Scheduling and Planning Order entered January 25, 2017 (ECF No. 48).

1. Plaintiffs filed their Complaint (ECF No. 1) on April 13, 2016. On May 18, 2016, Plaintiffs filed their First Amended Complaint (ECF No. 16-1) (“FAC”), which was entered on the docket on August 10, 2016 (ECF No. 28). Defendants answered the FAC on October 28, 2016 (ECF No. 40).

2. The Parties’ discovery thus far has been governed by the Court’s Amended Scheduling Order (ECF No. 48), entered on January 25, 2017. On March 16, 2017, the Court granted the Parties’ joint request for a stay of all pre-trial deadlines, through April 14, 2017 (ECF No. 50), to permit the Parties to engage in settlement efforts. On April 24, 2017, at the Parties’ joint request, the Court stayed all pre-trial deadlines for an additional thirty days, through and including May 21, 2017 (ECF No. 54).

3. Pursuant to agreement, the parties have suspended activity related to outstanding discovery requests during the entirety of the stay.

4. The Parties engaged in active and extensive settlement discussions. The Parties’ principals met in person numerous times to discuss the form and substance of a possible settlement. Both sides devoted a significant amount of time and energy toward reaching a potential resolution of this matter. Despite those efforts, the Parties could not agree upon the terms of an acceptable settlement, and so advised the Court in their Joint Status Report filed May 21, 2017 (ECF No. 55).

5. In consideration of the Parties’ Joint Status Report, the Court entered its order continuing the stay of dates in the scheduling order and directing the Parties to file a proposed, amended scheduling and planning order on or before June 13, 2017. The Court in its order of May 22, 2017, also stated: “If they have not already done so, the

court would have the parties consider engaging a private mediator to assist them in resolving the issues which remain.”

6. On May 20, 2017, the CBJ made a settlement proposal to CLIA. That settlement proposal also invited CLIA to engage in mediation if CLIA did not accept the settlement proposal. CLIA rejected the CBJ’s proposal. Given the nature of disagreements, CLIA is preparing a counter-proposal. CLIA does not believe mediation will be productive at this time.

7. While the Parties continue to believe that settlement is a possibility, they are also exploring the possibility of positioning the case for dispositive motions based on a stipulated factual record. The Parties will review outstanding discovery requests and responses to determine whether further discovery is necessary if a Stipulation of Facts is achieved. The Parties have agreed to extend the deadlines identified below to accommodate motion practice if stipulated facts can be agreed upon, and will provide those dates to the Court.

8. If the Parties are unable to agree on a Stipulation of Facts by June 30, 2017, the Parties request that the Court amend the scheduling order to provide for compliance dates as follows:

Respond to Designated Outstanding Written Discovery	August 14, 2017
Exchange Preliminary Witness Lists	August 28, 2017
Identify Expert Witnesses (Plaintiff)	September 25, 2017
Identify Expert Witnesses (Defendant)	October 25, 2017
Plaintiffs Serve Expert Witness Disclosures (Rule 26(a)(2))	October 30, 2017
Defendants Serve Expert Witness Disclosures (Rule 26(a)(2))	November 27, 2017
Exchange Expert Witness Rebuttal Reports	December 13, 2017
Exchange Final Witness Lists	October 30, 2017
Close of Fact Discovery	January 16, 2018

Motions Under the Discovery Rules
Close of Expert Discovery
Deadline to File Preliminary Motions
Deadline to File Motions to Amend/Add Parties
Deadline to File Motions in Limine
Deadline to File Dispositive Motions

January 25, 2018
February 15, 2018
October 20, 2017
July 25, 2017
February 28, 2018
May 15, 2018

HOFFMAN & BLASCO, LLC

Dated: June 13, 2017

By: /s/ Robert P. Blasco
Robert P. Blasco, AK Bar #7710098
Attorneys for Defendants the City and
Borough of Juneau, Alaska, a municipal
corporation, and Rorie Watt, in his
official capacity as City Manager

THOMPSON COBURN, LLP

Dated: June 13, 2017

By: /s/ C. Jonathan Benner
C. Jonathan Benner (*pro hac vice*)
Kathleen E. Kraft (*pro hac vice*)
Herbert H. Ray, Jr. AK Bar #8811201
Keesal, Young & Logan, LLC
Attorneys for Plaintiffs Cruise Line
International Association Alaska and
Cruise Lines International Association
(As authorized on June 13, 2017)