

Knudson v. M/V Am. Spirit

United States District Court for the Eastern District of Michigan, Southern Division

November 16, 2017, Decided; November 16, 2017, Filed

Case No. 14-14854

Reporter

2017 U.S. Dist. LEXIS 189601 *; 2017 WL 5499710

JEFFREY TODD KNUDSON, Plaintiff, vs. M/V AMERICAN SPIRIT, et al., Defendants.

Prior History: Knudson v. M/V American Spirit, 2017 U.S. Dist. LEXIS 175727 (E.D. Mich., Oct. 24, 2017)

Counsel: [*1] For Jeffrey Todd Knudson, Plaintiff: Dennis M. O'Bryan, O'Bryan, Baun, Karamanian, Birmingham, MI; Jess G. Webster, Graham & Dunn PC, Seattle, WA.

For American Steamship Company, a New York corporation, in personam, Defendant: Markus Edgars Apelis, Gallagher Sharp, Cleveland, OH; Paul D. Galea, Gallagher Sharp, Detroit, MI; Sarah Valeria Beaubien, Gallagher Sharp, Toledo, OH.

For M/V AMERICAN INTEGRITY, Official Number 592377, IMO # 7514696, in rem, Defendant: Markus Edgars Apelis, Gallagher Sharp, Cleveland, OH.

For Liberty Steamship Company, Defendant: Markus Edgars Apelis, Gallagher Sharp, Cleveland, OH; Paul D. Galea, Gallagher Sharp, Detroit, MI.

Judges: HON. GEORGE CARAM STEEH, UNITED STATES DISTRICT JUDGE.

Opinion by: GEORGE CARAM STEEH

Opinion

ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION [DOC. 100] AND DENYING DEFENDANTS' MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL AND TO STAY PROCEEDINGS PENDING APPEAL [DOC. 101]

This matter has come before the court on defendants American Steamship Company's and Liberty Steamship Company's motion for reconsideration of the court's grant of plaintiff's motion for reconsideration and of its denial of plaintiff's motion for certification of interlocutory appeal and [*2] request for stay [doc. 100] and motion for certification of interlocutory appeal, to amend order to include the required permission to appeal, and to stay proceedings pending appeal [doc. 101].

In its October 24, 2017 Order, the court granted plaintiff's motion for reconsideration, finding that plaintiff may seek punitive damages for personal injuries in his unseaworthiness claim against defendants. The court declined to certify the issue for interlocutory appeal. [Doc. 99]

The court denies both of defendants' motions. The court will not grant a motion for reconsideration that "merely present[s] the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. Mich. LR 7.1(h). Defendants have not presented any new issues other than those already ruled on by the court, nor does anything in defendants' motions persuade the court that it ruled in error on either issue.

This case was filed three years ago and extensive discovery and litigation have already taken place. Of course, at trial, the punitive damages issue will require the presentation and consideration of factual and expert testimony. This is no different than what is required for the other issues that will be submitted [*3] to the jury. This is simply not a case where an immediate

appeal may avoid protracted and expensive litigation. See *Krause v. Bd. Of County Rd. Comm'rs*, 364 F.2d 919, 922 (6th Cir. 1966). If the Sixth Circuit or United States Supreme Court ultimately determine that punitive damages are not recoverable on a claim of unseaworthiness, any award of such damages resulting in this case would be overturned. However, the court concludes that the granting of an interlocutory appeal and corresponding stay in this case would not materially advance the ultimate termination of the litigation, and is not warranted.

Now, therefore,

IT IS HEREBY ORDERED that defendants' motion for reconsideration is DENIED.

IT IS HEREBY FURTHER ORDERED that defendants' motion for certification of interlocutory appeal and to stay proceedings pending appeal is DENIED.

It is so ordered.

Dated: November 16, 2017

/s/ George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE