

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

BRUCE KIRBY, INC., and
BRUCE KIRBY

Plaintiffs,

vs.

LASERPERFORMANCE (EUROPE) LIMITED,
QUARTER MOON, INCORPORATED,
KARAYA (JERSEY) LIMITED,
VELUM LIMITED ITM SA (ANTIGUA AND
BARBUDA),
INTERNATIONAL SAILING FEDERATION
LIMITED,
INTERNATIONAL LASER CLASS
ASSOCIATION, and
FARZAD RASTEGAR

Defendants.

LASERPERFORMANCE (EUROPE)
LIMITED, and
QUARTER MOON, INCORPORATED,

Defendants-Counterclaim Plaintiffs,

vs.

BRUCE KIRBY, INC., and
BRUCE KIRBY,

Plaintiffs-Counterclaim Defendants,

and

GLOBAL SAILING LIMITED, and
PERFORMANCE SAILCRAFT PTY. LTD.,

Additional Counterclaim Defendants.

Civil Action No. 3:13-cv-00297-RNC

**FIRST JOINT STATUS REPORT OF COUNSEL
PURSUANT TO SCHEDULING ORDER**

Pursuant to the Scheduling Order of July 29, 2013 (Dkt. 64.), the parties hereby submit the First Joint Status Report of Counsel to the Court.

A. STATUS OF THE CASE

Plaintiffs Bruce Kirby and Bruce Kirby, Inc. (hereinafter “Kirby” or “Plaintiffs”) filed their First Amended Complaint (Dkt. 23) on April 30, 2013. Defendant International Laser Class Association (hereinafter “ILCA”) filed an Answer (Dkt. 51) on July 2, 2013. On June 12, 2013, Defendants LaserPerformance (Europe) Limited (hereinafter “LP Europe”) and Quarter Moon, Incorporated (hereinafter “Quarter Moon”) filed an Answer and Counterclaims (Dkt. 40) against Kirby and Counterclaim Defendants Global Sailing Limited (hereinafter “GSL”) and Performance Sailcraft PTY. Ltd. (hereinafter “PSPL”). Kirby filed an Answer (Dkt. 57) to LP Europe and Quarter Moon’s Counterclaims on July 15, 2013. GSL and PSPL have not been served or appeared and have not responded to LP Europe and Quarter Moon’s Counterclaims. Counterclaim plaintiffs LP Europe and Quarter Moon have requested waivers of service from GSL and PSPL under Rule 4 (d) and the period for return of the waivers has lapsed. Accordingly, LP Europe and Quarter Moon will pursue formal service in accordance with Rule 4 and will ask the Court to assess costs against GSL and PSPL.

1. Pending or Anticipated Motions

i. Pending Motions

Defendants Karaya (Jersey) Limited (hereinafter “Karaya”) and Velum Limited ITM SA (Antigua and Barbuda) (hereinafter “Velum”) filed motions to dismiss asserting lack of personal jurisdiction and failure to state a claim (Dkt. 38). Defendant Farzad Rastegar (hereinafter “Rastegar”) filed a motion to dismiss for failure to state a claim (Dkt. 39). These motions are fully briefed (Dkts. 38-1, 39-1). Defendant International Sailing Federation Limited (hereinafter “ISAF”)

filed a Motion to Dismiss asserting a lack of personal jurisdiction and failure to state a claim (Dkt. 63). Plaintiffs' opposition was filed on August 22, 2013 (Dkt. XX) and ISAF's Reply Brief is due on September 5, 2013.

ii. Anticipated Motions

The undersigned parties do not anticipate filing any motions at this time. Counterclaim Defendants GSL and PSPL have not been served or appeared – the undersigned parties are not aware of what motions those parties anticipate filing.

2. Circumstances Interfering with Scheduling Order

At this time the parties do not anticipate any circumstances that would potentially interfere with the parties' compliance with the Scheduling Order.

3. Statement of Discovery Already Taken

All of the parties except Counterclaim Defendants GSL and PSPL have submitted Initial Disclosures. None of the parties have served discovery requests as of the filing of this Joint Status Report. Kirby is preparing to serve discovery requests on Defendants.

i. Depositions Taken by Each Party

None of the parties have taken any depositions as of the filing of this Joint Status Report.

ii. Specific Discovery Remaining to be Completed

Since substantially all discovery remains to be completed, the parties have no specific topics of pending discovery to highlight in this Joint Status Report.

B. INTEREST IN REFERRAL FOR SETTLEMENT PURPOSES

ISAF is willing to refer this matter for settlement purposes to a United States Magistrate Judge or the District Court's Special Masters Program.

ILCA will agree to participate in mediation before a Magistrate or a Special Master once all parties have joined the litigation.

At this time, none of the other parties are interested in referral for settlement purposes to a United States Magistrate Judge or the District Court's Special Masters Program.

C. CONSENT TO TRIAL BEFORE MAGISTRATE JUDGE

The parties have not consented to either a jury trial or a bench trial before a Magistrate Judge.

D. ESTIMATED LENGTH OF TRIAL

The parties estimate that the trial will last two weeks.

Respectfully submitted,

August 23, 2013

/s/ Wesley W. Whitmyer, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, a copy of foregoing FIRST JOINT STATUS REPORT OF COUNSEL PURSUANT TO SCHEDULING ORDER was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

August 23, 2013
Date

/s/ Joan M. Burnett
Joan M. Burnett