

**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

**SECOND 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 Second 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 filed an Answer (Dkt. 88) to LP Europe and Quarter Moon’s Counterclaims on November 4, 2013.

#### **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). 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). These motions are fully briefed (Dkts. 38-1, 39-1, 63-1). An oral hearing for all three Motions to Dismiss has been scheduled for January 24, 2014 (Dkt. 89).

Defendants LP Europe and Quarter Moon filed a Motion for Default against PSPL as a counterclaim defendant (Dkt. 86).

*ii. Anticipated Motions*

Kirby anticipates filing a motion for leave to amend the First Amended Complaint and add an additional party.

**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, except the anticipated motion identified above.

**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.

*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, ILCA, Bruce Kirby, and Bruce Kirby, Inc. are willing to refer this matter for settlement purposes to a United States Magistrate Judge or the District Court's Special Masters Program.

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,

November 21, 2013

/s/ Wesley W. Whitmyer, Jr.

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/s/ Jeffrey S. Boxer

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*/s/ J. Kevin Grogan*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2013, a copy of foregoing SECOND 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.

Nov. 21, 2013  
Date

*/s/ Joan M. Burnett*  
Joan M. Burnett