

## **PLEADINGS ADDRESSING SIGNIFICANT MARITIME ISSUES**

### **Borrowed Servant Doctrine in LHWCA Cases**

1. Kinder Morgan's Summary Judgment Submission (Doc. 84)
2. LSI's Opposition (Docs. 94-96)
3. Nieves' Opposition (Doc. 97)
4. Steel Dynamics' Opposition (Docs. 98-100)
5. Cooper Marine's Opposition (Docs. 101-102)
6. Kinder Morgan's Reply (Doc. 103)
7. Court Order Denying Motion (Doc. 104)
8. Temps Plus' Summary Judgment Submission (Docs. 110-112)
9. Dawson Employment's Summary Judgment Submission (Docs. 113-115)
10. LSI's Opposition (Docs. 116-119)
11. Cooper Marine's Opposition (Docs. 120-123, 126)
12. Steel Dynamics' Opposition (Docs. 123-125)
13. Temps Plus' Reply (Doc. 129)
14. Order of Court Granting Staffing Companies' Motions for Summary Judgment (Doc. 175)

15. Judgment in Favor of Temps Plus and Dawson Entered by Court (Doc. 221)
16. Kinder Morgan's Renewed Summary Judgment Submissions (Docs. 160-162)
17. Nieves' Opposition (Doc. 192)
18. LSI's Opposition (Docs. 195, 196, 199)
19. Steel Dynamics' Opposition (Docs. 197, 198, 200)
20. Cooper Marine's Opposition (Docs. 218-220)
21. Kinder Morgan's Reply (Doc. 233)
22. Order of Court Denying Summary Judgment Motion (Doc. 238)

### **Effect of Immigration Status of Nieves on Wrongful Death Claims**

1. Nieves' Motion to Quash Deposition of St. Louis Immigration Attorney (Doc. 105)
2. Cooper Marine's Opposition to Motion to Quash (Doc. 108)
3. Nieves' Motion to Quash Deposition of Kansas City Immigration Attorney (Doc. 106)
4. LSI's Opposition to Motion to Quash (Doc. 107)
5. Order Denying Motion to Quash (Doc. 109)

### **Plaintiff's Claims for Non-Pecuniary Damages**

1. LSI's Partial Summary Judgment Submissions (Docs. 130-131)
2. Cooper Marine's Partial Summary Judgment Submissions (Docs. 166-168)
3. Nieves' Opposition (Doc. 185)
4. LSI's Reply (Doc. 228)
5. Cooper Marine's Reply (Doc. 227)
6. Order Denying All Non-Pecuniary Damages Except Loss of Society (Doc. 239)

### **Plaintiff's Claims for Punitive Damages**

1. LSI's Partial Summary Judgment Submissions (Docs. 132-134)
2. Steel Dynamics' Submissions (Docs. 138-140)
3. Cooper Marine's Submissions (Docs. 144-146)
4. Kinder Morgan's Submissions (Docs. 163-165)
5. Nieves' Opposition (Docs. 201, 203, 208, 211, 212)
6. LSI's Reply (Doc. 227)
7. Steel Dynamics' Reply (231)
8. Kinder Morgan's Reply (Doc. 235)

9. Cooper Marine's Reply (Doc. 237)
10. Order Striking Punitive Damages Claims (Doc. 239)

### **Plaintiff's Claims for State Law Remedies**

1. Steel Dynamics' Submission for Partial Summary Judgment (Docs. 141-143)
2. Kinder Morgan's Submission (Docs. 163-165)
3. Cooper Marine's Submissions (Docs. 166-168)
4. LSI's Reply (Docs. 229)
5. Kinder Morgan's Reply (Docs. 235)
6. Cooper Marine's Reply (Doc. 237)
7. Order Striking State Claims (Doc. 239)

### **Plaintiff's Claims Against Kinder Morgan Marine and Cooper Marine Based on Unseaworthiness**

1. Cooper Marine's Submissions for Partial Summary Judgment (Docs. 166-168)
2. Kinder Morgan Marine's Submissions (Docs. 157-159)
3. Order Striking All Claims for Unseaworthiness (Doc. 239)

## **Claims Against Kinder Morgan Marine for Excessive Wake Damage**

1. Kinder Morgan Marine's Summary Judgment Submissions (Docs. 157-159)
2. Cooper Marine's Opposition (Docs. 204, 206-207)
3. LSI's Opposition (Docs. 182-183)
4. Steel Dynamics' Opposition (Doc. 194)
5. Kinder Morgan Marine's Reply (234)
6. Order denying Kinder Morgan Marine's Motion (Doc. 240)

## **Duty of Barge Owner to Longshoremen**

1. Cooper Marine's Submissions for Summary Judgment (Docs. 135-137)
2. LSI's Opposition (Docs. 181-182, 184)
3. Steel Dynamics' Opposition (Doc. 194)
4. Kinder Morgan's Opposition (Doc. 204)
5. Nieves' Opposition (Docs. 215-216)
6. Cooper Marine's Reply (Docs. 230, 232, 235-236)
7. Order Granting Cooper Marine's Motion for Summary Judgment (Doc. 240)

### **Motions to Exclude Expert Testimony**

1. Docs. 147-156, 169-172, 187-191, 205, 210, 213-214, 217
2. Experts included J.P. Jamison, Thomas Butler, Richard DiNapoli, James Manley, James Pritchard, Ron Campana and Marc Fazioli

### **Motions in Limine**

1. Docs. 241-281
2. Issues included subsequent remedial measures (Docs. 241-242, 265-266), same or similar circumstances (Docs. 243-244, 247-248), reference of LSI longshoreman to his boss (his brother) as an ass-hole (Docs. 245-246), damages claimed by Plaintiff (Docs. 252-258), existence of insurance, financial assets, and foreign ownership of one or more defendants (Docs. 263-264, 267-268).

### **Designations of Deposition Excerpts and Objections Thereto**

1. Docs. 288-291, 293-294, 297-329

### **MISCELLANEOUS ISSUES**

#### **Objectionable 30(b)(6) Deposition Notices**

1. Cooper Marine's Motion for Protective Order (Doc. 61)

2. Nieves' Opposition (Doc. 63)
3. Court Orders (Docs 63 and 64)

### **Responses and Objections to Requests for Admission – Nothing Filed in Court**

#### **REMAINING ISSUES**

1. Immunity of Kinder Morgan under LHWCA
2. Viability of Active/Passive Negligence Doctrine
3. Viability of Implied Warranty of Workmanlike Performance
4. Applicability of LSI Tariff