

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTES

Date: January 4, 2023	Time: 8 minutes 2:11 p.m. to 2:19 p.m.	Judge: WILLIAM H. ORRICK
Case No.: 22-cv-06347-WHO	Case Name: Knight v. Richardson Bay Regional Agency	

Attorney for Plaintiff: J. David Breemer
Attorney for Defendants: David V. Roth

Deputy Clerk: Jean Davis

Court Reporter: Ana Dub

PROCEEDINGS

Hearing on motion for preliminary injunction conducted.

The essential issues are whether plaintiff's boat is marine debris as defined in the California Harbors and Navigation Code ("CHNC") section 550 (defining marine debris as a vessel that is "unseaworthy and not reasonably fit or capable of being made fit to be used as a means of transportation by water") and if the boat meets the "meets the definition of marine debris" under section 551, that it "has no value or a value that does not exceed the cost of removal and disposal." The parties have submitted contradictory evidence on these issues. I construe the evidence in favor of Knight, who is seeking to preserve the status quo: he states that he recently sailed his boat around Richardson Bay without incident, the boat is navigable and habitable, and it is the only residence where he has lived since he fixed the hull in early 2022. I conclude that a continuation of the existing injunction in is warranted.

The constitutional issues and apparent disputes of fact regarding the condition of Knight's boat may be tested at the motion to dismiss or summary judgment stages. This case will also be set for an early trial date so that any genuine disputes of fact that remain regarding the condition of Knight's boat may be resolved expeditiously.

IT IS HEREBY ORDERED, pending further order from this Court based on a more developed record, that defendants RBRA, Malcolm, McGrath, and their agents are restrained from seizing and/or destroying Knight's boat, the Coronado, and its anchor system, on the basis that Knight's boat qualifies as marine debris under CHNC sections 550 and 551.

REFERRALS:

[X] Case referred to (random) Magistrate Judge for SETTLEMENT CONFERENCE to be conducted in April or after on a date convenient to the Magistrate Judge.

PRETRIAL SCHEDULE:

Fact discovery cutoff:	May 22, 2023
Expert disclosure:	June 2, 2023
Rebuttal expert deadline:	June 23, 2023
Expert discovery cutoff:	July 5, 2023
Dispositive Motions heard by:	August 16, 2023
Pretrial Conference:	October 2, 2023 at 2:00 p.m.
Trial:	October 16, 2023 at 8:30 a.m. by Jury