

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SEA STAR LINE, LLC,	:	
	:	
Plaintiff/	:	
Counterclaim Defendant,	:	
	:	
v.	:	Civ. No. 05-245-JJF-LPS
	:	
EMERALD EQUIPMENT LEASING, INC.,	:	
	:	
	:	
Defendant/	:	
Counterclaim Plaintiff.	:	

MEMORANDUM ORDER

Pending before the Court is the Motion to Extend Time filed by Counterclaim Defendant/Plaintiff Sea Star Line, LLC (“Sea Star”) (D.I. 169) (the “Extension Motion”). The Extension Motion has been fully briefed by both Sea Star and Counterclaim Plaintiff/Defendant Emerald Equipment Leasing, Inc. (“Emerald”).

Further background relevant to this action has been previously set forth in: (i) Magistrate Judge Stark’s December 28, 2007 Memorandum Order (D.I. 160) (the “Magistrate’s Order”); (ii) Magistrate Judge Stark’s January 15, 2008 Order (D.I. 166); and (iii) Judge Farnan’s February 21, 2008 Memorandum Order (D.I. 176).

At the time the Extension Motion was filed, Sea Star’s objections to the Magistrate’s Order (D.I. 165) were pending before Judge Farnan. Those objections have since been overruled. (D.I. 176)

Pursuant to the Magistrate’s Order, Sea Star was (and at all times remained) required to


produce documents and respond to Emerald's Interrogatory No. 1 within twenty (20) days of December 28, 2007. *See* D.I. 160 at 6-11. So far as the Court is aware, Sea Star has not complied with these obligations. Sea Star has been on notice since at least August 2007 that it might soon have to provide Emerald with the discovery Emerald was seeking. *See, e.g.*, D.I. 131 at 20-30; D.I. 176 at 3 (“[T]he Court forewarned Sea Star that discovery would be permitted in these types of circumstances.”). While the Court cannot turn back the clock, it remains the fact that Sea Star has had more than adequate time to prepare the discovery it has been ordered to produce. No additional delay will be permitted. Accordingly, Sea Star must, within **ten (10) days of the date of this Order**, produce to Emerald the discovery ordered by the Magistrate's Order.

Emerald has asked the Court to impose sanctions on Sea Star in an amount equal to Emerald's legal fees incurred in responding to Sea Star's objections to the Magistrate's Order. (D.I. 170) The Court will take up the issue of sanctions with counsel at a later date.

Finally, the parties are reminded that any discovery disputes requiring the Court's intervention (other than those that have already been ruled on) are to be presented in accordance with the procedures set forth in paragraph 4 of the Court's November 19, 2007 Order. (D.I. 146)

Except as otherwise provided above, the Extension Motion is DENIED.

Dated: March 3, 2008



Honorable Leonard P. Stark
UNITED STATES MAGISTRATE JUDGE