

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA**

WOOD MOUNTAIN FISH LLC,

Plaintiff,

v.

Mowi ASA (fka Marine Harvest ASA), Marine Harvest USA, LLC, Marine Harvest Canada, Inc., Ducktrap River of Maine LLC, Grieg Seafood ASA, Grieg Seafood BC Ltd., Bremnes Seashore AS, Ocean Quality AS, Ocean Quality North America Inc., Ocean Quality USA Inc., Ocean Quality Premium Brands, Inc., SalMar ASA, Leroy Seafood Group ASA, Leroy Seafood USA Inc., and Scottish Sea Farms Ltd.,

Defendants.

**CASE NO. 1:19-CV-22128-RS**

**DECLARATION OF  
HEIDI M. SILTON IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
APPROVAL OF PLAN FOR  
ALTERNATIVE SERVICE OF  
PROCESS ON NORWEGIAN  
DEFENDANTS**

I, Heidi M. Silton, hereby declare as follows:

1. I am admitted *pro hac vice* to practice in the Southern District of Florida in the above-captioned matter [*see* Dkt. 15]. I am a partner at LOCKRIDGE GRINDAL NAUEN P.L.L.P., co-counsel for Wood Mountain Fish LLC (“Plaintiff” or “Wood Mountain”). I submit this declaration in support of Plaintiff’s Motion for Approval of Plan for Alternative Service of Process. The facts set forth herein are based on my personal knowledge.

2. In a related proceeding in this jurisdiction, involving the same allegations of wrongdoing and the same Norwegian Defendants,<sup>1</sup> Judge Altonaga has ordered the identical Plan for Alternative Service of Process on Norwegian Defendants requested in this Motion to be implemented. *In re: Farm-Raised Salmon and Salmon Prods. Antitrust Litig.*, Case No. 19-21551-

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<sup>1</sup> That case is brought by the direct purchasers; this case is brought by the indirect purchasers.

CIV-ALTONAGA/Goodman (S.D. Fla. May 14, 2019). Attached hereto as Exhibit 1 is a true and correct copy of that Order.

3. The Court's order in *In re: Farm-Raised Salmon and Salmon Products Antitrust Litigation* permitted service through a publication website where the complaint, and all other pleadings and documents would be posted, such that anyone accessing the website would find all documents filed in the case. Plaintiff Wood Mountain proposes the same plan of service through a publication website. Plaintiff has created a publication website and will be posting copies of the Complaint, and all other pleadings and documents on file in the above-referenced matter. The publication website is located at <https://www.whafh.com/case-information-documents/>. The address to the publication website will be provided to the Norwegian Defendants via their known e-mail accounts and will be included upon service of process in this matter.

4. Before filing the instant motion my staff and I undertook efforts to determine whether Defendants Mowi ASA (fka Marine Harvest ASA) ("Mowi"), Ocean Quality, AS ("OQ"), Grieg Seafood ASA ("Grieg"), Bremnes Seashore ASA ("Bremnes"), SalMar ASA ("SalMar"), and Leroy Seafood Group ASA ("Leroy") (henceforth, the "Norwegian Defendants") had designated registered agents for service of process in the United States. We did not identify any registered agents for service of process in the United States.

5. Our investigation into service of process of the Norwegian Defendants, included a review of information contained on the Norwegian Defendants' websites, and concluded that much of the Norwegian Defendants' marketing and sales information within the United States is provided on their websites in English, directing consumers to e-mail sales teams in the U.S. or English-speaking agents abroad. *See, e.g.*, <https://www.salmar.no/en/contact-us/> and <https://www.leroyseafood.com/en/contact/our-offices/>.

6. We have made a diligent search and inquiry to discover the email addresses, United States offices, and United States subsidiaries for each of the Norwegian Defendants.

7. We found contact information for Mowi ASA at <https://mowi.com/contact/>, a recently updated and well-maintained web page for Mowi where it solicits contacts and advertises its business. This page contains links to Mowi's other locations around the world. After clicking on the Mowi USA link, we found the following email addresses where we plan to serve the summons, complaint, and any other necessary documents in the above-captioned action: norway@mowi.com, robert.clark@mowi.com, greg.dumais@mowi.com and diana.dumet@mowi.com. A true and correct copy of these webpages is attached hereto as Exhibit 2.

8. Mowi's website advertises that "Mowi USA is located in sunny Florida where salmon are flown in daily from Canada, Chile, Norway and other fish farms around the world." <https://mowi.com/contact/office/>. Mowi's website also provides a postal address in Medley, Florida (*see* Exhibit 2).

9. We also read news articles, which described the Miami-based entity as the "US downstream division."<sup>2</sup>

10. We recently learned, through an article on [www.seafoodsource.com](http://www.seafoodsource.com) dated November 13, 2018, that Mowi ASA was formerly known as Marine Harvest ASA. The name change became effective January 1, 2019. We also learned through research that on April 19, 2019, Marine Harvest USA, LLC filed a change of name with the Florida Department of Corporations

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<sup>2</sup> See *Marine Harvest to More-Than Double Miami Production with New Plant*, MLEX, Jan. 26, 2018, <https://www.undercurrentnews.com>. A true and correct copy of this article is attached hereto as Exhibit 3.

to change its name to Mowi USA, LLC. A true and correct copy of the Mowi USA page from the Florida Department of Corporations is attached hereto as Exhibit 4.

11. The Mowi website also lists three high-level employees as contacts in the United States:

- Robert Clark, Sales Director Consumer Products. Robert Clark’s LinkedIn page lists him as the “Sales Directors, Consumer Products US at Marine Harvest Group.”
- Diana Dumet, Marketing Director.
- Greg Dumais, Sales Manager (Ducktrap). Ducktrap is another Mowi subsidiary based in Maine (*see* Exhibit 2).

12. Further, the 2018 Mowi Integrated Annual Report, hosted on its website, boasts of the extent of their Miami ties: “In March, Mowi moved its operations in Miami to a new plant twice the size of the existing site.”<sup>3</sup> Mowi holds the Miami headquarters out as a part of Mowi ASA.

13. We found contact information for Ocean Quality AS (“OQ”) on its website, including at <https://oceanquality.com/contact/> a recently updated and well-maintained web page for OQ where it solicits contact and advertises its products and systems. A true and correct copy of this web page is attached hereto as Exhibit 5. This page states that OQ has a sales office in the United States, with Dennis Bryant as general manager. *Id.* A telephone number with a Dallas, Texas area code (214) is listed. Amongst the entities OQ operates through is OQ USA, which is a Delaware corporation headquartered in Dallas.

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<sup>3</sup> Mowi 2018 Annual Report at 140, [https://issuu.com/hg-9/docs/mowi\\_annual\\_report\\_2018\\_4e0dacb83168e4?e=19530043/68703955](https://issuu.com/hg-9/docs/mowi_annual_report_2018_4e0dacb83168e4?e=19530043/68703955).

14. On OQ's contact page, we found the following email addresses to which we plan to serve the summons, complaint, and any other necessary documents in the above-captioned action: dennis.bryant@oceanquality.com; jo@oceanquality.com; and ak@oceanquality.com.

15. We found contact information for Grieg Seafood ASA ("Grieg") at <https://www.griegseafood.no/en/> and <https://www.griegseafood.no/grieg-seafood-asa/contact/>, a recently updated and well-maintained web site for Grieg where it solicits contact and advertises its products and facilities. A true and correct copy of this webpage is attached hereto as Exhibit 6. There, we found the following email addresses to which we plan to serve the summons, complaint, and any other necessary documents in the above-captioned action: info@griegseafood.com; atle.harald.sandtorv@griegseafood.com. Grieg's web site also has a "Sales" page, which states "Ocean Quality AS is the sales organization of Grieg Seafood and Bremnes Seashore (60% owned by Grieg Seafood ASA and 40% owned by Bremnes Fryseri AS)." (<https://www.griegseafood.no/sales/>). A true and correct copy of this webpage is attached hereto as Exhibit 7. Grieg then lists contact information for OQ for those that wish to buy Grieg products. *Id.*

16. We found contact information for Bremnes Seashore AS at <https://www.seashore.no/en/contact/>, a recently updated and well-maintained web page for Bremnes where it solicits contact and advertises its products and facilities. This page lists OQ as "the sales organization of Grieg Seafood and Bremnes Seashore [.]". There, we found the following email addresses to which we plan to serve the summons, complaint, and any other necessary documents in the above-captioned action: einar@seashore.no; bremnes@seashore.no. A true and correct copy of this webpage is attached hereto as Exhibit 8.

17. SalMar does not appear to have an identifiable U.S. subsidiary or office. However, according to page 19 of its 2018 Annual Report, “[s]ales are focused in the markets of Europe, Asia, and the USA.” We found contact information for SalMar ASA at <https://www.salmar.no/en/contact-us/>, <https://www.salmar.no/en/ir-contact-in-salmar/> and <https://www.salmar.no/en/media-contacts-in-salmar/>, recently updated and well-maintained web pages for SalMar where it solicits contact and advertises its business. There, we found the following email addresses to which we plan to serve the summons, complaint, and any other necessary documents in the above-captioned action: olav.andreas.ervik@salmar.no; trond.tuvstein@salmar.no; salmar@salmar.no; sales@salmar.no; runar.sivertsen@salmar.no.; and ir@salmar.no. Attached hereto as Exhibit 9 are true and correct copy of the SalMar webpages and 2018 Annual Report.

18. We found contact information for Leroy Seafood Group ASA (“Leroy”) at <https://www.leroyseafood.com/en/contact/> and <https://www.leroyseafood.com/en/contact-our-offices/> recently updated and well-maintained web pages for Leroy where it solicits contact and advertises its business. There, we found the following email addresses to which we plan to serve the summons, complaint, and any other necessary documents in the above-captioned action: post@leroyseafood.com; firmapost@norwayseafoods.com; post@leroyaurora.no; and scott.drake@leroy.no. On the “offices” webpage, Leroy Seafood USA Inc. is listed as “VAP, Sales & Distribution” office in Chapel Hill, North Carolina, and the email address listed there ends with the domain “leroy.no”, demonstrating that it’s a branch of Leroy in Norway. The website has two separate “About Us” pages which boast:

- a. “From humble beginnings at Bergen’s fish market in 1899, today the company has a global presence stretching from China **to the USA and more than 3,500 employees.**” (emphasis added) (<https://www.leroyseafood.com/en/aurora/>); and

- b. “We also have sales offices in the USA, Japan and China.” (<https://www.leroyseafood.com/en/about-us/about-leroy/>).

A true and correct copy of the Leroy webpages is attached hereto as Exhibit 10.

19. Attached hereto as Exhibit 11 is a true and correct copy of The Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (“Hague Convention”).

20. We reviewed the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters (“Hague Convention”) to which the United States and Norway are signatories. Norway has declared that it opposes the service of documents in its territory by the alternative means outlined in Article 10 of the Convention. However, the Hague Convention does not preclude service by e-mail, publication or through a subsidiary. Also, the declarations to The Hague Convention filed by Norway do not expressly prohibit service via e-mail, publication, or through a subsidiary.

21. Attached hereto as Exhibit 12 is a true and correct copy of the Hague Conference Outline, which summarizes the provisions of the Hague Convention.

22. We also researched the logistics of serving Norwegian Defendants via The Hague Convention, and Norway’s Central Authority. We learned that service via the Hague Convention in Norway would require translation of the summonses, cover sheet and complaint. The complaint alone is 69 pages and could cost more than \$2,000, according to translation cost estimates obtained from a company my firm has used previously for international process service. Attached hereto as Exhibit 13 is a true and correct copy of the webpage containing information on translation costs.

23. Once translated, the documents will have to be transmitted to Norway’s Central Authority, which will then serve them. In Norway, “[t]he average time from receipt at the Central Authority to execution of the request varies between 3-5 months.” *See*

<https://www.hcch.net/en/states/authorities/details3/?aid=246>. Attached hereto as Exhibit 14 is a true and correct copy of the webpage from The Hague Conference website regarding service in Norway. The Hague Law Blog gives an even longer estimate of five to six months. *See* <https://www.haguelawblog.com/2017/04/serve-process-norway/>, (Exhibit 13).

24. Based on the research and review of The Hague Convention conducted by myself and my staff, there are no international agreements prohibiting service by e-mail, website publication, or through a subsidiary.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 27<sup>th</sup> Day of June, 2019 in Minneapolis, MN

/s/ Heidi M. Siltan  
Heidi M. Siltan

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of June 2019, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

/s/ Jayne A. Goldstein  
Jayne A. Goldstein