

**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

STATUS REPORT

Plaintiff, Wood Mountain Fish LLC (“Plaintiff”), filed the above captioned action (the “Action”) on May 24, 2019.¹ The Action was transferred from Judge Ursula Ungaro to Your Honor on June 20, 2019. Although Your Honor has not directed Counsel to provide a status report, Plaintiff respectfully submits this Status Report to the Court.

¹ The Action names 15 defendants, comprised of various parent companies and their entities: Mowi ASA (“Mowi”) and its subsidiaries – Marine Harvest USA, LLC (“Marine Harvest USA”), Marine Harvest Canada, Inc. (“Marine Harvest Canada”), and Ducktrap River of Maine LLC (“Ducktrap”); Grieg Seafood ASA (“Grieg”) and its subsidiary – Grieg Seafood BC Ltd. (“Grieg BC”); Bremnes Seashore AS (“Bremnes Seashore”); Ocean Quality AS (“OQ”) and its subsidiaries – Ocean Quality North America Inc. (“OQ NA”), Ocean Quality USA Inc. (“OQ USA”), and Ocean Quality Premium Brands, Inc. (“OQ Premium Brands”); SalMar ASA (“SalMar”); Leroy Seafood Group ASA (“Leroy”) and its subsidiary – Leroy Seafood USA Inc. (“Leroy USA”); and Scottish Sea Farms Ltd. (“Scottish Sea Farms”) (Together, Marine Harvest USA, Ducktrap, OQ USA, OQ Premium, and Leroy USA make up the the “U.S. Defendants;” Marine Harvest Canada, Grieg BC, and OQ NA make up the “Canadian Defendants;” Scottish Sea Farms constitutes the “U.K. Defendant;” and Mowi, Grieg Seafood ASA, Bremnes Seashore, OQ, SalMar, and Leroy make up the “Norwegian Defendants” (collectively, “Defendants”).

This Action is an indirect antitrust case, representing indirect plaintiffs. The Action alleges anti-competition wrong doing under various state laws as well as the Sherman and Clayton Acts. The liability issues in the Action are similar to those alleged in *In re Farm-Raised Salmon and Salmon Products Litigation*, a consolidated class action filed on behalf of direct plaintiffs pending before Judge Cecelia Altonaga (the “Direct Action”). The indirect purchaser class encompasses indirect purchasers of Defendants’ farm-raised salmon or products derived therefrom. Rather than purchase directly from Defendants, indirect purchasers largely make purchases from distributors (wholesalers) and retailers. Class Plaintiffs allege that Defendants conspired to raise, fix, stabilize or maintain prices in order to secure higher price levels for long-term contracts as well as restrict capacity within the market for the sale of farm-raised salmon and products derived therefrom from at least July 1, 2015 through the present. Plaintiff has asserted state law claims under the laws of 21 states, plus the District of Columbia as well as claims for injunctive relief pursuant to Federal antitrust laws.

On May 30, 2019, Plaintiff filed a motion to transfer and coordinate the Action with the Direct Action before Judge Altonaga. On June 4, 2019, Judge Ungaro denied the motion writing that “Judge Altonaga has not indicated a willingness to accept the transfer.” Subsequently, Judge Ungaro appointed Plaintiff’s counsel, Wolf Haldenstein Adler Freeman & Herz LLP, lead counsel. Thereafter, Plaintiff’s counsel have spoken with one of the lead counsel for the plaintiffs in the Direct Action, and based on such conversation, Plaintiff anticipates no difficulties in coordinating pretrial proceedings for the Action with the Direct Action.

Plaintiff has either served or is in the process of serving all of the U.S., Canadian, and U.K. Defendants. No appearances have been made on behalf of any of the U.S., Canadian, or U.K. Defendants. Plaintiff has also filed a motion requesting entry of an Order authorizing alternative

service of process on the Norwegian Defendants. This motion is outstanding. Service has not been completed and no appearances have been made on behalf of any of the Norwegian Defendants. It is likely, however, that many of the Norwegian Defendants are on notice of the Action due to their nature as parent companies of entities that have been served.

An initial planning and scheduling conference was scheduled by Judge Ungaro for July 19, 2019. That conference was vacated by Judge Ungaro by the June 20, 2019 order that transferred the case to Your Honor. Judge Ungaro's order, however, left in place the filing of an initial scheduling report by July 5, 2019. While the June 20, 2019 order vacated the conference it also provided that all other deadlines would remain in effect unless altered by Your Honor. Accordingly, although the July 19, 2019 initial planning and scheduling conference was vacated, the direction for filing an initial scheduling report seemingly remains in effect, and the filing is due on July 5, 2019. Plaintiff respectfully submits that because of the transfer, the absence of a date for a conference before Your Honor, and the absence of appearances² by any of the Defendants, the filing of a unilateral initial scheduling report on July 5, 2019 would prove troublesome. Accordingly, we respectfully request the court to vacate the date for the filing of the initial scheduling report and ask that it be rescheduled by the Court.

Dated: June 27, 2019

**SHEPHERD, FINKLEMAN, MILLER &
SHAH, LLP**

/s/ Jayne A. Goldstein

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² Although, as of the date and time of filing this Status Report Defendants have not made formal appearances, Plaintiff's counsel have spoken with counsel for two of the Defendants who do not object to vacating the date for the filing of the initial scheduling report.

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*Attorneys for Plaintiff,
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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