UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 19-cv-21724-BLOOM/McAliley

HAVANA DOCKS CORPORATION,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

_____/

ORDER ON DEFENDANT'S MOTION TO PRECLUDE PLAINTIFF FROM USING APHRA BEHN AS A WITNESS

THIS CAUSE is before the Court upon Defendant's Motion to Preclude Plaintiff from Using Aphra Behn as a Witness, ECF No. [301] ("Motion"). Plaintiff filed a Response, ECF No. [349], to which Defendant filed a Reply, ECF No. [362]. The Court has carefully considered the Motion, the Response and Reply, the record in this case and the applicable law, and is otherwise fully advised.

In the Motion, Defendant Carnival Corporation ("Carnival") requests that the Court enter an order pursuant to Rule 37 of the Federal Rules of Civil Procedure precluding Plaintiff from using Aphra Behn as a witness in this case. The basis for Carnival's request is that Ms. Behn's knowledge is cumulative, that Plaintiff late disclosure of Ms. Behn as a potential witness is prejudicial, and that Plaintiff has failed to explain the delay in providing notice of Ms. Behn.

Norwegian Cruise Line Holdings, Ltd. ("Norwegian") filed a similar motion in a related case, *Havana Docks Corporation v. Norwegian Cruise Line Holdings, Ltd.*, case number 19-cv-23591, ECF No. [206] ("Norwegian Motion"). The Norwegian Motion was referred to United States Magistrate Judge Lauren F. Louis for disposition, *see* ECF No. [299]. On December 6, 2021,

Judge Louis entered an order denying the Norwegian Motion. ECF No. [325] ("Norwegian Order"). Upon review, the Court finds the Norwegian Order to be well reasoned and correct, and that the same reasoning applies here. Therefore, for the reasons set forth in the Norwegian Order, the Court denies Carnival's request for an order precluding Plaintiff from using Ms. Behn as a witness.

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant's Motion, **ECF No. [301]**, is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida on April 12, 2022.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record