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8 Attorneys for
9 PRINCESS CRUISE LINES, LTD.

10 **BEFORE THE**
11 **BOARD OF PILOT COMMISSIONERS**
12 **FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Board of Pilot
15 Commissioners Incident Review Committee
16 Report On:

17 **The Docking of the P/V STAR PRINCESS**
18 **At San Francisco (Pier 27) on October 2,**
19 **2019**

SPECIAL APPEARANCE CONTESTING
JURISDICTION AND PROCESS

PRINCESS CRUISE LINES, LTD.’S
OBJECTIONS TO INVESTIGATIVE
SUBPOENA

20 TO THE BOARD OF PILOT COMMISSIONERS:

21 Princess Cruise Lines, Ltd. (“PCL”), appearing specially while contesting jurisdiction and
22 process, and reserving all rights, objects to the “Investigative Subpoena” dated July 2, 2020 as
23 follows:

24 1. Harbor and Navigations Code sections 1156 and 1180.3 and Government Code §§
25 11180-11191 do not authorize the Board of Pilot Commissioners, the Executive Director or the
26 Incident Review Committee to issue the subpoena purportedly served on PCL.

27 2. Harbor and Navigations Code sections 1156 and 1180.3 are not applicable to the
28 extent this investigation does not relate to a “license issued by the board may be revoked or
suspended.”

3. Purported service on PCL was improper pursuant to Government Code § 11184
and Code of Civil Procedure §§ 415.30, 416.10.

4. The subpoena improperly purports to seek a corporation to appear at a hearing
without any designation of topic(s) with reasonable particularity of the matters on which

1 examination is requested, nor with regard to physical location of natural persons who might serve
2 as witness(es). Any such natural person(s) who might be so designated may have additional
3 objections including lack of personal jurisdiction.

4 5. The subpoena does not notify the witness of the duty to designate and produce
5 natural persons.

6 6. The issuing entity lacks jurisdiction to compel, as an alternative to in-person
7 appearance, the production of documents. Offering the production of documents as an alternative
8 to appearance is an artifice designed to circumvent the Board's lack of jurisdiction and therefore
9 an abuse of process and violation of due process.

10 7. The subpoena is unduly burdensome insofar as it (indirectly) seeks electronic
11 discovery without any reference to burden and benefit, proportionality or potential cost-sharing.

12 8. All other objections and rights are reserved.

13 Dated: July 16, 2020

CLYDE & CO US LLP

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15 By: 

16 Conte C. Cicala
17 Attorneys for *PRINCESS CRUISE LINES, LTD.*

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