

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

SPSL OPOBO LIBERIA,  
INC., ET AL

CIVIL ACTION

VERSUS

NO: 07-3355 c/w 09-5437

MARITIME WORLDWIDE  
SERVICES, INC., ET AL

SECTION: B(3)

ORDER AND REASONS

Before the Court is Defendant AAA Holdings, LLC's ("AAA Holdings") Motion to Release the Mid-River IV (a/k/a "SPSL OPOBO") (Rec. Doc. Doc. No. 193); Defendant Marine Worldwide Services, Inc.'s ("Marine Worldwide") Motion for Summary Judgment Regarding AAA Holdings' Claims of Ownership to the Mid-River IV a/k/a the SPSL OPOBO (Rec. Doc. No. 200); Defendant Marine Worldwide Services, Inc.'s Motion for Summary Judgment Regarding Title to the Mid-River IV a/k/a the SPSL OPOBO (Rec. Doc. No. 199); and Defendant Marine Worldwide Services, Inc.'s Motion for Immediate Release (Rec. Doc. No. 210). For the following reasons,

**IT IS ORDERED** that Defendant AAA Holdings, LLC's Motion to Release the Mid-River IV (a/k/a "SPSL OPOBO") (Rec. Doc. Doc. No. 193) is hereby **GRANTED**;

**IT IS FURTHER ORDERED** that Defendant Marine Worldwide Services, Inc.'s Motion for Summary Judgment Regarding AAA Holdings' Claims of Ownership to the Mid-River IV a/k/a the SPSL OPOBO (Rec. Doc. No. 200), Motion for Summary Judgment Regarding Title to the Mid-River IV a/k/a the SPSL OPOBO (Rec. Doc. No. 199),

and Motion for Immediate Release (Rec. Doc. No. 210) are hereby **DENIED.**

As the parties are all aware, this Court previously dismissed all of the claims asserted by SPSL OBOPO Liberia, Inc. in this litigation, including those *in rem* against the MID-RIVER IV (a/k/a SPSL OPOBO). See Rec. Doc. No. 188. At the time of the initial seizure effectuated by SPSL OBOPO Liberia, Inc., AAA Holdings was in possession of the vessel. Rec. Doc. No. 193-1, at 2. Since SPSL OPOBO Liberia, Inc.'s claims have been dismissed, no other party in this litigation has sought to seize the MID-RIVER IV (a/k/a SPSL OPOBO). *Id.*

Moreover, AAA Holdings is the rightful owner of the MID-RIVER IV (a/k/a SPSL OPOBO), pursuant to its written agreement with Marine Worldwide dated June 10, 2008. Rec. Doc. No. 216, at 3-6; see *Hewitt v. Safeway Ins. Co. of Louisiana*, 787 So.2d 1182, 1186 (La. App. 3 Cir. 2001) (stating that a sale is complete once the parties have agreed on the thing and price and declining to recognize the "common law concept of conditional sale of movables where the vendor attempts to retain ownership until the purchase price is paid in full"); La. Civ. Code art. 2456. Notably, Marine Worldwide has never asserted any claims against AAA Holdings in this litigation - specifically absent is any counterclaim against AAA Holdings for breach of contract. Rec. Doc. No. 211, at 5; Rec. Doc. No. 216, at 13. Additionally, until filing its untimely

Motions for Summary Judgment (Rec. Doc. Nos. 199, 200), Marine Worldwide had never claimed to be the owner of the MID-RIVER IV (a/k/a SPSL OPOBO). Rec. Doc. No. 211, at 5; Rec. Doc. No. 216, at 13.

Marine Worldwide executed the agreement by which ownership of the vessel transferred to AAA Holdings with full knowledge of the litigation filed by SPSL OPOBO Liberia, Inc. and its claims of ownership asserted therein, yet failed to disclose the existence of such to AAA Holdings. Rec. Doc. No. 216, at 8-10. Accordingly, Marine Worldwide not only lacks any claim to ownership of the MID-RIVER IV (a/k/a SPSL OPOBO), but its actions also render it a bad faith seller. *Id.*; see *Media Production Consultants, Inc. v. Mercedes-Benz of North America, Inc.*, 262 So. 2d 377 (La. 1972), *Lake Forest Inc. v. Bon Marche Homes, Inc.*, 410 So. 2d 362 (La. App. 4 Cir. 1982), La. Civ. Code art. 2475. Marine Worldwide is therefore additionally liable for the damages suffered by AAA Holdings due to Marine Worldwide's bad faith.<sup>1</sup> See *Osborne v. Ladner*, 691 So. 2d 1245 (La. App 1 Cir. 1997).

In light of the reasons set forth above, AAA Holdings's Motion to Release the Mid-River IV (a/k/a "SPSL OPOBO") (Rec. Doc. Doc. No. 193) is hereby **GRANTED** and Marine Worldwide Services'

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<sup>1</sup>However, as AAA Holdings notes, since SPSL OPOBO Liberia, Inc. has filed a notice of appeal to the United States Fifth Circuit Court of Appeals regarding the dismissal of its claims, an ultimate accounting of what is owed to whom cannot be performed at this time.

Motions for Summary Judgment (Rec. Doc. Nos. 199, 200) and Motion for Immediate Release (Rec. Doc. No. 210) are hereby **DENIED**.

New Orleans, Louisiana, this 16<sup>th</sup> day of December, 2010.

A handwritten signature in black ink, appearing to read "James L. ...", written over a horizontal line.

UNITED STATES DISTRICT JUDGE