

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the Matter of the Complaint of  
SAM BARGING, INC.,

Plaintiff,

For Exoneration from, or Limitation  
of, Liability

3:09-cv-252-TMB-JDR

**ORDER DIRECTING ISSUANCE  
OF MONITION AND  
INJUNCTION**

(Docket No. 4)

A complaint having been filed in this Court by SAM BARGING, INC. (“plaintiff”) on November 24, 2009, as owner and operator of the vessel KAKTOVIK II and the related barge, seeks exoneration from, or limitation of, liability as provided for by statute, for all losses, injuries, damages, and deaths resulting or arising from the subject incident involving the disappearance of Donald Venes, Jr. while working aboard the KAKTOVIK II on August 26, 2007; and

It appearing that plaintiff filed security with the court in the amount of one thousand dollars (\$1,000.00) in accordance with the court's order at Docket 14 and Federal Rules of Civil Procedure Supplemental Rule F(1); and

It appearing from plaintiff's Complaint that the value of the KAKTOVIK II and the related barge, at the end of the voyage on August 26, 2007 did not exceed \$255,000, and that claims may be asserted against plaintiff for loss, injuries, damage, or death, and that said claims are subject to limitation in the action now on file in this Court; and

Upon the application of the plaintiff, IT IS HEREBY ORDERED that a notice and monition issue out of, and under the seal of this Court to and against all persons and entities claiming losses, damages, injuries, or death resulting or arising from the subject incident of the KAKTOVIK II and the related barge, admonishing them to appear and file their respective claims and answers with the Clerk of this Court on or before **THURSDAY, APRIL 22, 2010**, pursuant to Supplemental Rule F(4), and to make due proof of their respective claims in such manner as may hereinafter be directed by further order of this Court, with liberty to any claimants who have duly filed their claims to answer plaintiff's Complaint and to file such answer with the Clerk of this Court on or before the date specified above; and

IT IS FURTHER ORDERED that the plaintiff shall give public notice of said monition pursuant to Supplemental Rule F(4) for Certain Admiralty and Maritime

Claims, by causing such notice to be published in a newspaper of general circulation in Anchorage, Alaska, once per week for four consecutive weeks prior to the deadline set out above for the filing of claims; and

IT IS FURTHER ORDERED that not later than the date of the second publication of said notice, the plaintiff shall mail a copy of said notice to every person and entity known to have made any outstanding claim against the plaintiff or the KAKTOVIK II and the related barge arising from the subject voyage; and

IT IS FURTHER ORDERED that the institution or prosecution of any suit, action, or other legal or administrative proceeding of any nature in any venue (outside these proceedings) against Plaintiff or the KAKTOVIK II and the related barge, regarding any claim resulting or arising from the subject voyage ARE HEREBY ENJOINED, said injunction to remain in effect until the determination of this action in this Court; and

IT IS FURTHER ORDERED that service of this order as an Injunction shall be made by delivering a certified copy hereof to the person or persons to be enjoined, or to their respective attorneys or representatives.

DATED this 22nd day of March, 2010, at Anchorage, Alaska.

/s/ John D. Roberts  
JOHN D. ROBERTS  
United States Magistrate Judge