

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ESTATE OF JERRY L. BYLER,

Plaintiff,

vs.

ALASKAN LEADER, Official No.
558697, its Engines, Machinery,
Appurtenances, etc., *In Rem*, and
ALASKAN ADVENTURE TOURS,
INC., *In Personam*

Defendants,

CITY AND BOROUGH OF
YAKUTAT,

Intervenor.

Case No. 3:10-cv-00055-HRH-JDR

**ORDER REGARDING MOTION
FOR MISCELLANEOUS RELIEF**

Docket 74

The Estate of Jerry L. Byler ("Estate"), Alaskan Adventure Tours, Inc. ("AAT"), and the City and Borough of Yakutat ("CBY"), have extensively briefed the issues relating to the Estate's filing at Docket 74 for Miscellaneous Relief and the

court has heard argument from the parties at the August 23, 2010 hearing. Prior to the entry of the court's order regarding the issues surrounding the arrest of the vessel, however, the court must first have direction on how to consider the issues of an arrest and substitute custodian appointment on the case considering the Order entered at Docket 95 Creating an Interim Receivership to Lease and/or Operate the Vessel involved in the current case.

The terms of the Interim Receivership allow, among other things, for the vessel M/V GULF COAST RESPONDER, formerly known as the M/V SOUND ADVENTURE to operate in the Gulf. The Receivership also allows for the M/V ALASKAN LEADER to obtain charters and or be leased. The Estate is directed to file any renewed motions for Arrest and Appointment of a Substitute Custodian, which include direction to the court on how the case should proceed considering the terms of the Receivership, by close of business on **October 4, 2010**.

DATED this 20th day of September, 2010, at Anchorage, Alaska.

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