

1 NEIL S. LERNER (SBN 134031)  
2 DONALD J. SANDS (SBN 62628)  
3 SANDS LERNER  
4 12400 Wilshire Boulevard, Suite 1300  
5 Los Angeles, California 90025  
6 Telephone: 310-979-9144  
7 Facsimile: 310-979-9244

8 Attorneys for Plaintiff,  
9 TIMOTHY HARPER LEE

**ORIGINAL LODGED**

**AUG 10 2006**

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CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

**206 - CV - 1757 DFL CMK**

12 TIMOTHY HARPER LEE, an  
13 individual,

14 Plaintiff,

15 vs.

16 The Vessel TIFFANY a.k.a. BOBBI  
17 JAMES, her engines, tackle,  
18 equipment, appurtenances, and  
19 furnishings, etc.,

20 Defendant.

) No.  
)  
) IN ADMIRALTY  
)  
) ORDER FOR APPOINTMENT OF  
) SUBSTITUTE CUSTODIAN AND  
) MOVEMENT OF ARRESTED VESSEL

) Local Rule A-550

Lee v. The Vessel Tiffany

Doc. 10

21 WHEREAS, a Complaint and supporting affidavit have been filed  
22 in the above-entitled Court against the Defendant motor vessel (M/V)  
23 TIFFANY, a 1972 65-foot Pacemaker bearing hull serial no. 189,  
24 titled and registered in the State of Oregon under Title No.  
25 B0271528 and Watercraft Title/Registration No. 653MG, also known as  
26 the M/V BOBBI JAMES, registered in the State of California under  
27 Registration No. CF 1939 UB, and her engines, tackle, equipment,  
28 appurtenances, and furnishings, etc., in rem upon an admiralty and

1 maritime claim, for the reasons and cause therein stated and praying  
2 for process of warrant for the arrest of said vessel, her engines,  
3 tackle, equipment, appurtenances, and furnishings, etc., and that  
4 all persons having or claiming any interest in or to the same may be  
5 cited to answer the premises, and that the true and lawful title to  
6 said vessel, her engines, tackle, equipment, appurtenances, and  
7 furnishings, etc., and right to possession thereof, be finally  
8 declared by this Court, or in the alternative that the same be sold  
9 under the direction of this Court and the proceeds of such sale  
10 brought into this Court to be divided according to law;

11 WHEREAS, this Court having reviewed the Complaint and  
12 supporting papers, after due consideration it appearing that the  
13 conditions for an action *in rem* within the admiralty and maritime  
14 jurisdiction of this Court exist;

15 WHEREAS, an Order for Issuance of Process and Warrant of  
16 Maritime Arrest and a Warrant of Maritime Arrest having issued out  
17 of and under the seal of this Court;

18 WHEREAS, this Court having reviewed the Declaration of Chester  
19 Duane White in Support of Motion for Appointment of Substitute  
20 Custodian and Movement of Vessel and supporting papers, after due  
21 consideration it appearing that WESTERN CALIFORNIA YACHT SALES, a  
22 California sole proprietorship, is suitable for appointment as  
23 substitute custodian of the Defendant vessel and that adequate  
24 insurance exists;

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1 IT IS HEREBY ORDERED that WESTERN CALIFORNIA YACHT SALES is  
2 appointed the substitute custodian of the Defendant vessel, her  
3 engines, tackle, equipment, appurtenances, and furnishings, etc., in  
4 place and stead of the United States Marshal for the Eastern  
5 District of California;

6 IT IS FURTHER ORDERED that the United States Marshal for the  
7 Eastern District of California shall tender possession of the  
8 Defendant vessel, her engines, tackle, equipment, appurtenances, and  
9 furnishings, etc. immediately upon its arrest or as soon thereafter  
10 as is reasonably practicable to WESTERN CALIFORNIA YACHT SALES as  
11 the substitute custodian;

12 IT IS FURTHER ORDERED that WESTERN CALIFORNIA YACHT SALES, as  
13 substitute custodian, shall accept custody of the Defendant vessel,  
14 her engines, tackle, equipment, appurtenances, and furnishings, etc.  
15 from the United States Marshal for the Eastern District of  
16 California and detain the same in its custody until further order of  
17 this Court.

18 IT IS FURTHER ORDERED that WESTERN CALIFORNIA YACHT SALES, as  
19 substitute custodian, shall move the Defendant vessel, her engines,  
20 tackle, equipment, appurtenances, and furnishings, etc. from the  
21 location of its arrest or tender of custody by the United States  
22 Marshal for the Eastern District of California to 4330 Buckley Cove  
23 Way, Stockton, California 95219 and detain the same at that location  
24 until further order of this Court.

25  
26 DATED: August 10, 2006

Donald F. Zsui  
United States District Judge