

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

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AUG 10 2006

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

BY _____
DEPUTY CLERK

AUG 10 2006

Attorneys for Plaintiff,
TIMOTHY HARPER LEE

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

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

206 - CV - 1757 DFL CMK

TIMOTHY HARPER LEE, an individual,

Plaintiff,

vs.

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

Defendant.

) No.
)
) IN ADMIRALTY
)
) **ORDER FOR ISSUANCE OF PROCESS**
) **AND WARRANT OF MARITIME ARREST**
)
) Rules C through E of the Federal
) Rules of Civil Procedure,
) Supplemental Rules for Certain
) Admiralty and Maritime Claims;
) L.R. A-530

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

Lee v. The Vessel Tiffany

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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 IT IS HEREBY ORDERED that the Clerk of the Court shall issue a
16 warrant for maritime arrest of the Defendant vessel, her engines,
17 tackle, equipment, appurtenances, and furnishings, etc., as prayed
18 for in the Complaint;

19 IT IS FURTHER ORDERED that all persons having or claiming any
20 interest in or to the arrested vessel, her engines, tackle,
21 equipment, appurtenances, and furnishings, etc., or having anything
22 to say why the same should not be sold pursuant to the prayer of the
23 said Complaint, must file their claims with the Clerk of this Court
24 within ten (10) days after the execution of this process or within
25 such additional time as may be allowed by this Court, and must serve
26 their answers within twenty (20) days after the filing of their
27 statement of interest or right.

28 ///

1 IT IS FURTHER ORDERED that the United States Marshal for the
2 Eastern District of California shall immediately arrest and seize
3 the Defendant vessel, her engines, tackle, equipment, appurtenances,
4 and furnishings, etc., as prayed for in the Complaint, and take the
5 same into its possession for safe custody in accordance with Rule E
6 of the Federal Rules of Civil Procedure, Supplemental Rules for
7 Certain Admiralty and Maritime Claims;

8 IT IS FURTHER ORDERED that the United States Marshal for the
9 Eastern District of California shall give due notice to:

10 Daniel R. Blevins-Catalano

11 1285 N. Linden Ave.

12 Fresno, CA 93726

13 by delivering a copy of the Complaint and Warrant of Maritime Arrest
14 to the aforesaid individual personally, or by leaving copies thereof
15 at the aforesaid address with some person of suitable age and
16 discretion then residing therein, or by delivering copies thereof to
17 an agent authorized by appointment or by law to receive service of
18 process.

19 IT IS FURTHER ORDERED that counsel for Plaintiff shall give due
20 notice to all persons having or claiming any interest in or to the
21 arrested vessel, her engines, tackle, equipment, appurtenances, and
22 furnishings, etc., or having anything to say why the same should not
23 be sold pursuant to the prayer of the said Complaint, that they must
24 file their claims with the Clerk of this Court within ten (10) days
25 after the execution of this process or within such additional time
26 as may be allowed by this Court, and must serve their answers within
27 twenty (20) days after the filing of their statement of interest or
28 right, by publishing, or causing to be published, in The Record, a

1 newspaper of general circulation printed and published in Stockton,
2 California, a notice in accordance with Rule C of the Federal Rules
3 of Civil Procedure, Supplemental Rules for Certain Admiralty and
4 Maritime Claims and L.R. A-530, once within twenty (20) days of the
5 date of the arrest authorized by this Order.

6
7 DATED: August 10, 2006

Donald A. Zou
United States District Judge