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7 Attorneys for Plaintiff  
8 **KTB OIL CORPORATION**  
UNITED STATES DISTRICT COURT  
9  
EASTERN DISTRICT OF CALIFORNIA

10 **KTB OIL CORPORATION,**  
11  
Plaintiff,  
12  
v.  
13 **M/V CIELO DI TOKYO,**  
14  
Defendant.

Case No.: 12-cv-1834-MCE-KJN  
IN ADMIRALTY

**~~PROPOSED~~ ORDER TO  
RELEASE VESSEL M/V CIELO  
DI TOKYO IN THE CUSTODY  
OF THE U.S. MARSHAL OR  
SUBSTITUTE CUSTODIAN  
FROM ATTACHMENT, AND  
REGARDING THE HOLDING  
OF SECURITY**

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21 THE COURT HAVING REVIEWED THE PLAINTIFF'S CONSENT TO  
22 RELEASE PROPERTY FROM ATTACHMENT;

23 NOW THEREFORE IT IS HEREBY ORDERED:

24 1. THE ARREST OF THE VESSEL M/V CIELO DI TOKYO IS  
25 HEREBY AND IMMEDIATELY VACATED;

26 2. THE ARREST ORDER, THE ATTACHMENT ORDER, THE  
27 CUSTODIAN ORDER, AND THE MARSHAL ORDER (THE "ORDERS")  
28 ARE HEREBY IMMEDIATELY VACATED;

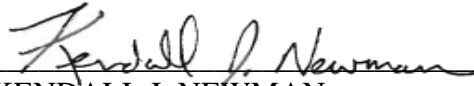
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3. THE SUBSTITUTE CUSTODIAN, THE UNITED STATES MARSHAL, AND THE UNITED STATES ARE RELIEVED FROM ANY AND ALL RESPONSIBILITIES CONFERRED BY THE ORDERS WITH RESPECT TO THE M/V CIELO DI TOKYO; AND

4. THE SECURITY IN THE FORM OF CASH FUNDS IN ESCROW IN THE AMOUNT OF US\$215,000 SHALL BE HELD PURSUANT TO THE ESCROW AGREEMENT ENTERED INTO BY PLAINTIFF AND SK SHIPPING CO., LTD. AND DATED JULY 13, 2012, AN EXECUTED COPY OF WHICH CAN BE FOUND ON THE COURT'S DOCKET AT DOCUMENT 11-1.<sup>1</sup>

IT IS SO ORDERED.

**Date: 7/13/2012**

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

KJN:nkd

<sup>1</sup> See Rule E(5)(a) of the Suppl. Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.