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Coast Maritime Services, Inc. and Shippers Transport Express, Inc.

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 SSA TERMINALS, LLC, COAST
MARITIME SERVICES, INC. AND
12 SHIPPERS TRANSPORT EXPRESS, INC.

C **05** **2751**
JSW
CASE NO. 05-2751
IN ADMIRALTY

13 Plaintiffs,

14 vs.

) ORDER AUTHORIZING THE ISSUANCE
) OF A WARRANT OF ARREST OF M/V
) MICRONESIAN NATIONS

15 M/V MICRONESIAN NATIONS, her
tackle apparel, engines, machinery, furniture
16 and equipment, in rem; P M & O Line and
Does 1 through 20, inclusive, in personam

17 Defendants.
18
19

20 Upon reading Plaintiffs' Application for an Order Authorizing The Issuance Of Warrant
21 Of Maritime Arrest and supporting papers, including the Declaration of Joseph N. Mirkovich in
22 support thereof, and the Verified Complaint in rem, and the Court finding that the conditions for
23 an action in rem under Rule C (3) of the Supplemental Rules for Certain Admiralty and Maritime
24 Claims within the meaning of Rule 9(h), Federal Rules of Civil Procedure, for actions in rem, and
25 the Local Rules of the Northern District of California, appear to exist.

26
27 **THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED** that the
28 clerk shall immediately issue a warrant of maritime arrest against vessel, M/V MICRONESIAN

1 NATIONS, which is now, or during the pendency of this action, will be within the District and
2 that said warrant be properly served upon the said vessel by the U.S. Marshal.
3

4 **IT IS FURTHER ORDERED** that the U.S. Marshal take possession of M/V
5 MICRONESIAN NATIONS even if the vessel is in the possession or under the control of any
6 person or persons claiming a possessory common law lien or that the vessel is a dwelling.
7

8 **IT IS FURTHER ORDERED** that if the M/V MICRONESIAN NATIONS is at
9 anchorage at that time of its arrest, it may be moved to a suitable berth for loading and
10 discharging of its cargo. The costs of relocation shall be borne by Plaintiffs and shall be
11 considered costs of administration in this action.
12

13 **IT IS FURTHER ORDERED** that the M/V MICRONESIAN NATIONS may load
14 and/or discharge its cargo while under the custody of the U.S. Marshal or its keeper.
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16 **IT IS FURTHER ORDERED** that the M/V MICRONESIAN NATIONS, upon
17 completion of its loading/discharge, may be moved from its present location to a suitable
18 anchorage. The costs of relocation shall be borne by Plaintiffs and shall be considered costs of
19 administration in this action.
20

21 **IT IS FURTHER ORDERED** that any person claiming an interest in the property
22 arrested pursuant to said order shall, upon application to the Court, be entitled to a prompt
23 hearing, upon not less than three (3) days' written notice to Plaintiffs, at which time the Plaintiffs
24 shall be required to show why the arrest should not be vacated or other relief granted.
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IT IS FURTHER ORDERED that a copy of this Order shall be attached to and served with said warrant of maritime arrest.

DATED: July 6, 2005.


UNITED STATES DISTRICT COURT JUDGE

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